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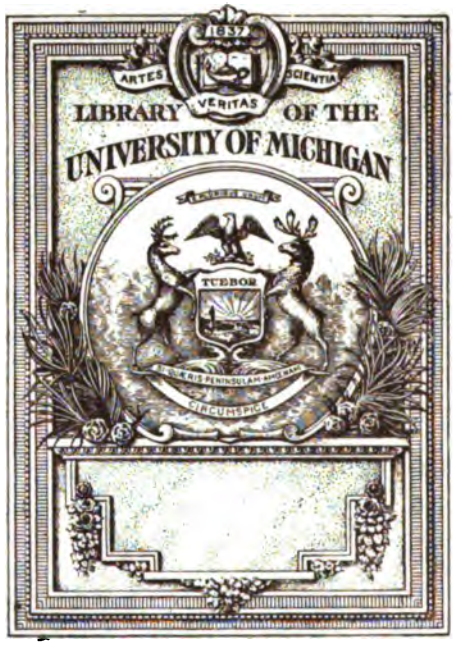
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THE WRITINGS

OF

ALBERT GALLATIN.

EDITED BY

HENRY ADAMS.

VOLUME I.

PHILADELPHIA:
J. B. LIPPINCOTT & CO.
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1879.

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PREFACE.

A COMPLETE collection of the published writings of Albert Gallatin would fill many volumes. A list of them, which is believed to include all the most important, will be found in the index to the third volume of the present collection; and in order to assist investigators, this list indicates in each case the public document, the newspaper, or the other source where the paper in question was printed. Only those marked there with an asterisk have been republished here. The others are supposed to be already sufficiently accessible, or to have no longer any especial interest.

Two of the three volumes now published consist almost exclusively of correspondence hitherto unprinted or uncollected, and are intended to supply the want of a general view of Mr. Gallatin's personal influence upon public affairs during a period of sixty years. Following a well-established custom, the editor has included among the letters selected for publication a number of those addressed to Mr. Gallatin by his most distinguished contemporaries, such as the successive Presidents whom he served, where it has been supposed that such letters were not already in print.

The third volume contains such essays and publications of Mr. Gallatin as are believed to have historical value and are not easily to be found even in public libraries.

For the series of notes and letters written by Mr. Gallatin while Secretary of the Treasury to Presidents Jefferson and Madison, the editor is indebted to the liberality of the Department of State. He has especially to acknowledge the kindness with which Mr. Evarts, the head of that Department, has permitted him to have copies of all papers written by Mr. Gallatin and preserved among the Jefferson and Madison MSS.

HENRY ADAMS.

WASHINGTON, January, 1879.

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WRITINGS OF GALLATIN.

LETTERS, ETC.

DRAFT OF REPORT OF THE HARRISBURG CONFERENCE OF SEPTEMBER 3, 1788.[1]

. . . We, &c., . . . are united in opinion that a federal government is the only one that can preserve the liberties and secure the happiness of the inhabitants of such an extensive empire as the United States, and experience having taught us that the ties of our Union, under the Articles of Confederation, were so weak as to deprive us of some of the greatest advantages we had a right to expect from such a government, therefore are fully convinced that a more efficient one is absolutely necessary. But at the same time we must declare that although the constitution proposed for the United States is likely to obviate most of the inconveniences we labored under, yet several parts of it appear so exceptionable to us that nothing but the fullest confidence of obtaining a revision of them by a general convention and our reluctance to enter into any dangerous measures could prevail on us to acquiesce in its organization in this State. We are sensible that a large number of the citizens, both in this and other States, who gave their assent to its being carried in execution previous to any amendments, were actuated more by the fear of the dangers that might arise from any delays than by a conviction of its being perfect. We therefore are convinced that they now will concur with us in pursuing every peaceable method of obtaining a speedy revision of the Constitution in the mode pointed out by the same, and when

[1] For the report finally adopted, see Elliot's Debates on the Constitution, vol. ii. p. 542.

we reflect on the present situation of the Union we can entertain no doubt that motives of conciliation and the dictates of policy and prudence will conspire to induce every man of true federal principles to give his support to a measure not only calculated to recommend the new constitution to the approbation and support of a numerous class of American citizens, but even necessary to prevent the total defection of some members of the Union. Strongly impressed with those sentiments, we have resolved as follows:

1. *Resolved*, That in order to prevent a dissolution of the Union and to secure our liberties and those of our posterity, it is necessary that a revision of the Federal Constitution be obtained in the most speedy manner.

2. That the safest manner to obtain such a revision will be in conformity to the request of the State of New York, to use our endeavors to have a federal convention called as soon as possible.

3. That in order that the friends to amendments of the Federal Constitution who are inhabitants of this State may act in concert, it is necessary, and it is hereby recommended to the several counties in the State, to appoint committees who may correspond, one with the other, and with such similar committees as may be formed in other States.

4. That the friends to amendments of the Federal Constitution in the several States be invited to meet in a general conference to be held at , on , and that members be elected by this conference, who or any of them shall meet at said place and time, in order to devise, in concert with such other delegates from the several States as may come under similar appointments, on such amendments to the Federal Constitution as to them may seem most necessary, and on the most likely way to carry them into effect.

1792. PETITION AGAINST EXCISE.

To the Honorable the Speaker and House of Representatives of the Congress of the United States.

The Petition of the subscribers, inhabitants of the western counties of Pennsylvania, most respectfully showeth:

That your Petitioners have been greatly alarmed by a law of Congress which imposes a duty on spirituous liquors distilled from produce of the United States. To us that act appears unequal in its operation and immoral in its effects. Unequal in its operation, as a duty laid on the common drink of a nation, instead of taxing the citizens in proportion to their property, falls as heavy on the poorest class as on the rich; immoral in its effect, because the amount of the duty chiefly resting on the oath of the payer, offers, at the expense of the honest part of the community, a premium to perjury and fraud.

Your Petitioners also consider this law as dangerous to liberty; because the powers necessarily vested in the officers for the collection of so odious a revenue are not only unusual, but incompatible with the free enjoyment of domestic peace and private property; because these powers, to prevent evasions of the duty, must pursue the endless subtleties of the human mind, and be almost infinitely increased; and because we are apprehensive that this excise will by degrees be extended to other articles of consumption, until everything we eat, drink, or wear be, as in England and other European countries, subjected to heavy duties and the obnoxious inspection of an host of officers.

Destitute of information of the real deficiencies of the revenues of the United States, of the proportion which the probable proceeds of the excise bear to them, and doubtful whether those deficiencies could not have been supplied by other resources sufficiently productive and less obnoxious and oppressive, we want those motives which alone can reconcile us to the collection of a duty so odious in its nature and dangerous in its tendency.

Our peculiar situation renders this duty still more unequal and oppressive to us. Distant from a permanent market, and separate from the eastern coast by mountains which render the communication difficult and almost impracticable, we have no means of bringing the produce of our lands to sale either in grain or in meal. We are therefore distillers through necessity, not choice, that we may comprehend the greatest value in the smallest size and weight.

The inhabitants of the eastern side of the mountains can dispose of their grain without the additional labor of distillation at a higher price than we can, after we have bestowed that labor upon it. Yet with this additional labor we must also pay a high duty from which they are exempted, because we have no means of selling our surplus produce but in a distilled state.

Another circumstance which renders this duty ruinous to us is our scarcity of cash. Our commerce is not, as on the eastern coast, carried on so much by absolute sale as by barter, and we believe it to be a fact that there is not among us a quantity of circulating cash sufficient for the payment of this duty alone.

We are not accustomed to complain without reason; we have punctually and cheerfully paid former taxes on our estates and possessions, because they were proportioned to our real wealth. We believe this to be founded on no such equitable principles, and are persuaded that your Honorable House will find on investigation that its amount, if duly collected, will be four times as large as any taxes which we have hitherto paid on the whole of our lands and other property.

Submitting these considerations to your honorable body, we respectfully apply for a total repeal of the law, or for such modifications thereof as would render its principles more congenial to the nature of a free government, and its operation upon us less unequal and oppressive. And as in duty bound shall forever pray, &c.

DECLARATION OF THE COMMITTEES OF FAYETTE COUNTY, SEPTEMBER, 1794.

At a meeting of committees from the several townships of the county of Fayette, held at Uniontown the 10th day of September, 1794, twenty-one members present;

The following declaration was taken into consideration and unanimously adopted by the meeting:

We trust that the citizens of Fayette County will feel no more reluctance in declaring their intention to submit to the laws of the United States than we do in making the declarations required

by the Commissioners. It is doing no more than expressing by a vote what the great body of them have heretofore proved by their conduct. We think it, however, our duty to state to them some of the reflections which must suggest themselves to every thinking mind upon the present occasion. That if the western counties will resist the execution of the laws, a civil war must be the consequence, no person, who will reflect, can doubt; for if any one part of the Union are suffered to oppose by force the determination of the whole, there is an end to government itself, and of course to the Union. The excise law is obnoxious to us, another law may equally be so in another part, a third one in a different quarter, and if every corner of the United States claim a right to oppose what they dislike, no one law will be obeyed. The existence of government, therefore, depends upon the execution of the laws, and they are in duty bound to enforce it. The President has, in consequence, sent Commissioners, in the first place to try by conciliatory means to obtain a submission; but if it is not so obtained, he will proceed by coercion. We could have wished, indeed, that more time had been given to the people to reflect, and we think that in this country it would have had a happy effect; for we are sure that arguments and the good sense of the people themselves, provided they had time to cool, would have a greater influence in convincing their minds than the fear of bayonets will. But the President was better acquainted with the general situation of the United States (though perhaps less with that of this country) than we can pretend to be. He has thought it his duty, and he has declared it to be his intention, to attempt a military coercion, if an explicit answer is not now given. He cannot at present recede without exposing government, and it remains with us only to consider what the consequences will be if resistance is attempted by the people.

We might expatiate on the improbability that such a small number as the inhabitants of the Western country, unprepared as they are for such an event, having but a scanty supply of arms and ammunition, and with the Indians on their back, could succeed against the whole force of the Union. We might represent how ruinous, at all events, to this country a contest would

be. But your judgment and your patriotism we mean to address, and not your fears. Resistance by force against oppression is lawful only when no legal and constitutional remedy is within the reach of the people, and when the evils arising from the oppression are excessive, when they far surpass those that must ensue from the resistance. Such was the case of America at the beginning of the Revolution, when they took up arms against Great Britain. Such was the case of France when they overset their despotic government. Can the situation of the people of America or of France on those two occasions be compared to our own at present? You had your full share of representation in the Legislature which enacted the law we complain of. You are not deprived of the right of electing in future for that body the proportion of members your population entitles you to. Every mode of redress which can exist under a republican form of government is still open to you. Violence and resistance on your part would be the attempt of a minority to overrule, and, in fact, to oppress the majority of the people of the United States; an attempt to destroy every principle of that constitutional and rational liberty which we now enjoy. But, supposing there were some cases in which intolerable oppression on the part of the majority would justify resistance or secession in the minority, is the present one of them? The question which every man before he decides must answer is this,—Is the oppression arising from the excise law sufficient to justify me, before my own conscience and my God, in taking up arms against my fellow-citizens? Are the evils that will arise from the payment of that tax equal to those which a war must bring upon myself and upon my country? What is then the just value of the oppression and evils arising from the excise law? Nothing more nor less, at present, than paying seven cents for every gallon of whiskey we consume. We feel the probable consequences of that kind of taxation, once introduced, as warmly as you do yourselves. We think it a part of a more extensive system, and we look upon it only as the forerunner of a premeditated extension to numerous other articles. But those consequences, however probable, have not yet taken place; and although, from a fear of their ensuing, we have a right to be suspicious and to use our best endeavors to

have the root of the fatal tree eradicated, yet we cannot count suspicions and fears amongst our present grievances and oppressions, and it is only in case they shall be realized that it may become justifiable to resent and perhaps to resist. Till then we must take things just as they are, and the actual evil, as already stated, will be the mere payment of the duty; for as to that oppression more dangerous to your liberties than the excise law itself, the power of dragging you at a distance from your own neighborhoods in order to be tried for real or supposed offences, the President has declared that he will relinquish its exercise as long as our own courts shall do justice,—that is to say, as long as yourselves shall please,—for upon you, who compose those courts and juries, must depend whether justice shall be done or not. That great and important point is, therefore, fully obtained, that grievance is now redressed, and the payment of the duty alone must be put in the scale against all the evils arising from resistance and a civil war. Those evils, in our opinion, are nothing less than anarchy and ruin to ourselves, be the event what it will, and a probable annihilation of the Union; for, in order to conciliate so many and various interests as those of the several parts of the Union, mutual forbearance, manifestations of good will one to another, and reciprocal acts of friendship are as essentially necessary as a strict adherence to that Constitution which binds us together; and if ever the fatal lesson is taught the inhabitants of this extensive republic to shed one another's blood, we may forever bid farewell to harmony, to mutual confidence, and to peace. The seeds of dissension, a spirit of hatred and revenge, will be implanted in every man's heart, and whatever might be the future duration of a nominal Union, its reality would no longer exist. If, therefore, you wish to preserve to yourselves and to your fellow-citizens the inestimable benefits that arise from our being united; if you wish, through the Union, to obtain, by a restoration of the Western posts and a free navigation of the Mississippi, the full enjoyment of those advantages to which nature has entitled you; if you wish not to destroy, along with the federal republic of North America, the finest monument which men have yet erected to liberty; if you wish not to become a prey to your natural enemies, the British,

ready to take every advantage of our internal dissensions and to hunt down liberty in every corner of the globe, we entreat you to accede to the honorable terms proposed by the Commissioners, and not to hesitate in giving that testimony of your attachment to your country which is at present required of you.

By such an explicit declaration you will adopt the best possible means to obtain a repeal of the law, for previous submission is essentially necessary, that our friends and the friends of our principles throughout the Union may act in concert with us. We cannot expect either that they will join any but constitutional measures, or that Congress should yield anything to threats and violence, or even hear our complaints, until they are satisfied of our disposition to obey the laws. The privilege of petitioning and of adopting any other constitutional measure is expressly reserved to you in case of submission, but cannot be exercised except in that case. Time does not permit us to detail the many other reflections and arguments which crowd on our minds upon this subject, your own good sense will doubtless suggest them to you; suffice it to say, that when we earnestly recommend to you the adoption of pacific measures, we feel ourselves forcibly urged to it by a serious consideration of the private interest of every individual amongst you, of the interest of the Western country, of the interest of the United States, and of that solemn duty which you, as well as ourselves, owe to the government under which we live, to our fellow-citizens here and throughout the Union, and to that Being who has poured His choicest blessings upon us, by permitting us to live in this land of happiness and liberty.

Having thus concluded what we had to say to our immediate constituents, shall we be permitted to add a few words to those amongst our brethren of the neighboring counties who, under the present impulse of their passions and resentment, may perhaps blame us for that moderation which we trust their cool judgment will hereafter approve? The only reflection we mean to suggest to them is the disinterestedness of our conduct upon this occasion. The indictable offences, to be buried in oblivion, were committed amongst them, and almost every civil suit that had been instituted, under the revenue law, in the federal court

was commenced against citizens of this county. By the terms proposed, the criminal prosecutions are to be dropt, but no condition could be obtained for the civil suits. We have been instrumental in obtaining an amnesty, from which those alone who had a share in the riots derive a benefit, and the other inhabitants of the Western country have gained nothing for themselves. Have those who were immediately concerned a right to require anything more from us? Let themselves give the answer. This address, we know, cannot reach them till after the time when they shall have given their vote; but if, contrary to our expectations, there shall be any townships that shall have expressed sentiments different from our own, we entreat them by every tie of common interest and fraternal union that connects us to reconsider their proceedings, to recede before it is too late, to avert from themselves and their country the horrors of a civil war, to relinquish every idea of violence and of resistance, and to join us in those legal and constitutional measures which alone can procure us redress, and which alone are justifiable in our present circumstances.

Signed by order of the committee,

JOHN MCGAURRAUH, *Chairman.*

Attest: ALBERT GALLATIN, *Secretary.*

GALLATIN TO GOVERNOR MIFFLIN.

17th September, 1794.

SIR,—I am directed by the committee of townships for this county to transmit to you a copy of the declarations agreed upon by them on the 10th instant, which were read on the following day to the people convened in their respective election districts, and the return of the sense of the people of this county on the question of submission, so far as we have yet been able to ascertain it. We have, through every step during the course of the late disturbances, taken those measures which, from our knowledge of the sentiments of the people and of the heat which prevailed among them, appeared to us best calculated to allay

by degrees the flame, to promote peace and submission to the laws, and to preserve this country and Pennsylvania from the disgraceful necessity of a recourse to military coercion; and we are happy to be able to inform you that the present appearances are as favorable as we had any right to expect. It was an effort too great, perhaps, to be expected from human nature that people should at once pass from an avowed intention of resisting to the signing a test of absolute submission, and to a promise of giving active support to the laws. The change could be operated only by degrees; and after having convinced the understanding of the most enlightened, it was a more difficult task to persuade those whose prejudices were more deeply rooted and means of information less extensive. The great body of the people, which consist of moderate men, were also for some time afraid to discover their sentiments, from a want of knowledge of their own strength, and were in fact kept in awe by the few violent men. This was one of the principal reasons which prevented so many from attending the general meetings on the day on which the sense of the people was taken; to which may be added, in this county, the unconcern of a great number of moderate men, who, having followed peaceably their occupations during the whole time of the disturbances, did not think themselves interested in the event, and were not sufficiently aware of the importance of the question to the whole country. Although, however, all the warmest persons attended, we had a very large and decided majority amongst the actual voters, and great many of those who had come with an intention of testifying their intention to resist were convinced by the arguments made use of, though their pride would not suffer them to make a public retractation on the moment, and they went off without giving any vote. A very favorable and decisive change has taken place since, and has indeed been the result of the event of that day. The general disposition seems to be to submit, and great many are now signing the proposals of the Commissioners, not only in the neighboring counties, but even in this, where we had not thought it necessary. We have, therefore, thought the moment was come for the people to act with more vigor, and to show something more than mere passive obedience to the laws,

and we have recommended associations for the purpose of preserving order and of supporting the civil authority by the resolutions herein enclosed, and which we hope will be attended with salutary effects. As whatever heat existed in this county was chiefly owing to what had passed in the neighboring counties, we have no doubt of peace being fully re-established and a perfect submission taking place here, provided it is not interrupted by some new acts of violence elsewhere. It is well known that from sundry local causes, which we have not now time to detail, the heat was much greater there than amongst us; but there, also, it was confined to a certain number, and we have the best information of its daily subsiding. Still, however, a certain degree does exist both here and in the other western counties, and some time will be necessary to operate a complete restoration of order and a perfect submission to the laws. The great question now is, whether there are sufficient assurances of that submission and of its sincerity to justify government in not making use of military coercion. Mr. James Lang, one of our number, and whose efforts for the restoration of peace have been unremitted during the whole course of the late disturbances, has undertaken to deliver this letter and the enclosed papers, and we must beg leave to refer you to him for a full communication of our sentiments on that head. We will only observe that punishment of past offences cannot be now the design of government, since all those who might have been proper objects of resentment have taken advantage of the proposals of the Commissioners by signing the declaration required; and that if the submission is not sincere now, military coercion, although it may, by operating on the fears of the people, cause a more general and temporary acquiescence, will, so far from rendering it more sincere, increase the discontents, embitter the minds, and disgust many good citizens, so that if there is any danger of new outrages being again committed, that danger will be the greatest the moment the military force is withdrawn. When to that observation we add the consideration of the possibility of tumults and riots breaking out on the approach of an army, even if its march did not again promote actual resistance; of the danger to which those citizens who have taken an active

part in restoring peace will be thus exposed; of the difficulty the officers will find in restraining a militia, but newly organized, and inflamed by exaggerated representations, from committing outrages against the innocent citizens; when we reflect on the necessity of cultivating harmony between the different States and between the different parts of the same State, and on the local reasons which enjoin that duty still more forcibly in regard to the Western country; when, finally, we recollect the peculiar situation of this country, once claimed by Virginia, and the danger of old broils and intestine dissensions being again renewed, we cannot too explicitly express our opinion that nothing less than a conviction that submission cannot be obtained through any other means, and that every conciliatory measure would prove abortive, can justify government in adopting that last and desperate resource.

Under the impression of those sentiments we have, we trust, discharged our duty as citizens by taking the most active part in trying to compose the disturbances, and we mean to persevere to the last in our endeavors, be the event what it will. We are also fully sensible of the propriety of the measures heretofore adopted, and of the paternal indulgence shown by the President and by yourself in everything relative to this unfortunate business, and the confidence we have in both the State and General Government convinces us that nothing but dire necessity will induce them to embrace a measure which must unavoidably be attended with great mischiefs; and that if they think themselves bound in duty to do it, they will use every method to lessen the evil, by not sending troops from another State unless those of this State are found insufficient; by subjecting them to the strictest discipline; by rendering them altogether subservient to the civil authority alone, and by putting them under the command of an officer who, as a man, as a citizen, and as a friend to order and discipline, may, as far as it is possible with such a commission, attract the confidence of the people amongst whom he shall be obliged to act.

GALLATIN TO LEWIS F. DELESDERNIER.[1]

PHILADELPHIA, May 25, 1798.

MY DEAR SIR,—I received yours in due time, and now enclose a copy of the Act, and also a memorandum in which I have recapitulated such of the most important proofs which it appears to me you should be provided with. You must read both the law and the memorandum, and not fail in collecting all the necessary documents, and transmit them, if possible, before next December, to the Secretary of War, together with every such additional proof and papers in support of your *sacrifices, sufferings,* and *services* as may not have suggested itself to my mind, and which you may think of as being proper on the occasion. I say before next December, because I will desire you to send me at the same time a copy of all the papers you send to the Secretary, so as to give me an opportunity to examine them, and to write to you back for every additional paper in which, upon inquiry, I may find you have been deficient.

You may see by the Act that the highest class are to be entitled to one thousand acres, and it must be your endeavor, by supplying the most numerous proofs of your *services* (which, in regard to you, I take it to be a stronger ground than either your sacrifices or your sufferings), so as to have you placed in that class. In respect to your deceased brother John, I do not believe that he can be entitled to be placed over the lowest class, viz., one hundred acres; and as to your father, I am afraid by the wording of the Act, that, having returned to Nova Scotia in 1782 or 1783, he is altogether excluded. Yet upon the ground of his having returned to the United States within a short time after, which shows that he did not return to Nova Scotia to reside therein, according to the excluding words of the Act, and also on the ground of his having been actually in service as interpreter, the best that can be done must be done, in order to attempt to have him placed on the list. I will add that it may not be improper for you to furnish also proof of your not being rich,

[1] Maine Hist. Soc. Publications, vol. vi. art. iv.

and having a large family, and it is on that account that, amongst the other proofs which I have mentioned in the memorandum, I have stated that your father and mother have been supported by you for a length of time (which, although I do not know it, I suppose probable); because, in case they are excluded themselves, yet that circumstance and their sufferings will be arguments in your favor to have your case placed in the highest class. I cannot say that it will be in my power to be of any assistance to you in that stage of the business, beyond advising you from time to time of the steps to be taken by you, and objections which may be started, as also of the best way to remedy them. For the violence of party is such at present that it is much to be doubted whether *my* interference might not be more hurtful than beneficial to you with the three officers who are, according to the Act, to decide on the merits of the respective cases. Yet I will act according to circumstances, and if I think it can be done to advantage, will add my affidavit as to the facts I know, and every assistance I possibly can give, to the other proofs you may send. But it will be more prudent in the first instance for you to send your papers to the proper officer without my appearing in it. There are two steps in that business I would advise you to take, besides getting all the testimonies from the most respectable inhabitants in your favor, which you must by no means neglect. The first is, to write to Mr. Parker, your representative in Congress, and to request him to attend to your business, sending him also a copy of the papers which you shall have procured and sent to the Secretary of War, stating to him your and your family's case, and getting from some gentleman, friendly to you, and who may be personally acquainted with him, a letter of recommendation for him. The second is, to write to that officer of the Treasury Department with whom you are in the habit of corresponding as naval officer (whether it be the Secretary or Comptroller) a letter recommending your case to his examination, and stating as briefly and clearly as you can the principal circumstances of your case, referring him for details to your papers sent to the Secretary of War, according to the directions of the law. This is all that now strikes me as important; but if, after having read my letter, the memorandum, and the law, you want

any further explanation, write me about it, directing your letter, if you write during the session of Congress, to Philadelphia, and if after, to *Uniontown, Pennsylvania.* After the business of deciding upon the quantity of land to which you may be entitled shall have been fixed, which cannot take place before eighteen months at least, the next thing to be done will be to locate the land. The manner in which it shall be done is not yet determined, and is extremely important, on account of the differences in the quality and value of the land in the North-West Territory. But in whatever manner it may be done, I will be able in that stage of the business to be of some use to you, as I live in that part of the country, and am well acquainted with the lands and their respective value. I need not add how extremely welcome you will be to any services I can render you.

Indeed, my dear friend, I have not forgotten, I never will forget you, nor your parents; I feel for their afflictions, and it has distressed me not a little that my situation did not permit me to alleviate their sufferings. I remember all of you, I often think of you, and never would I do it without pleasure were not that emotion checked by the regret I feel at your misfortunes. I flatter myself that I cannot but meet with similar sentiments for me in your breasts, and therefore will give you a short account of myself since we last parted, which, as you know, was at Providence, in 1783. You ask me about our friend Serre: he has been dead near fifteen years, for having gone to Jamaica a very few months after you saw him last, he died there, almost immediately after his arrival, of one of the fevers generated by that climate. I stayed myself in Virginia with Mr. Savary till the spring of 1784, when I went to the Western country, sometimes called the Ohio country, and remained there two years, in locating and directing the surveys of a quantity of land for myself, Mr. Savary, and others. In 1786, being twenty-five years old, I received from Geneva my small patrimony, and purchased a plantation of about four hundred acres, on which I have lived ever since. It lies in Fayette County, State of Pennsylvania, on the east bank of Monongahela River, which empties into the Ohio at Pittsburgh. I am a bad farmer, and have been unfortunate in some mercantile pursuits I had embraced. I have just made out

to live independent, and am neither richer nor poorer than I was twelve years ago; the fact is, I am not well calculated to make money,—I care but little about it, for I want but little for myself, and my mind pursues other objects with more pleasure than mere business. Most of my time, indeed, has been employed in reading and in improving myself as well as I could. In 1789 I married, but had the misfortune to lose my wife after six months' marriage. The same year I was elected a member of the convention which formed the Constitution of Pennsylvania, and from that time till now I have been always a member either of the Legislature of this State or a member of Congress. In that political life some acquirements and a tolerable share of attention to public business have rendered me more conspicuous than I could have expected, but without increasing my happiness, and still less my fortune. Yet I feel very far from being unhappy, for in 1793 I married a very amiable and lovely wife,—her parents and connections are respectable and much attached to me,—by her I have only one son, eighteen months old,—and enjoying thus much domestic happiness, without being rich, I have certainly no room to complain. As to my political character, during these violent party times no man could expect the approbation of all. Mine is praised by some and abused by others. But you may perhaps remember that I am blessed with a very even temper; it has not been altered by time or politics, and I quietly pursue that line of conduct which to my weak judgment appears to be the best for the welfare of that country which has granted me a generous asylum and entrusted me with its most important concerns. I am sensible that I am liable to error, as liable as any other man, but I do not believe that I am very apt to be led away by passion or to be blinded by enthusiasm or prejudice in favor of any modern system; and to you, I am sure, I need not say that the integrity of my heart and the innocence of my manners have remained unsullied, and remained the same as you knew them in the days of my youth. Indeed, I have said so much only because far too much credit has been given me for abilities at the expense of the purity of my motives.

I forgot to mention that in the year 1788, in February, I went —being then at Boston—to Wiscasset, and had an intention to go

and pay you a visit. But the severity of the season, the difficulty of finding a conveyance, and hearing that you had gone to Boston, prevented me from pursuing my journey any farther. When you write again I shall be glad to hear more particularly about your situation. Have you any farm belonging to you? In what part of Passamaquoddy do you reside? Has the country grown very populous? Which of the islands belong to the United States, and which to England?

I wish to be most kindly remembered to your parents. I cannot express how much I wish their situation might be bettered, how much I regret my own incapacity in assisting them. I trust your worthy mother finds in a reliance on a kind Providence, and resignation to the will of her heavenly Father, that consolation which no human being could afford her under the pressure of her afflictions. Give her, I beg you, the assurances of my most affectionate respect. What shall I say about your poor father? It is better for me to be silent, for I would only distress both you and myself by dwelling on that sad subject. Yet I feel a strong desire to be more particularly informed about his situation. Is it only by times that he is afflicted? You have said nothing about your wife: I have not forgotten her, and desire you to give her my best compliments.

I wish you had let me know the name of the vessel in which your son George came, or that you had directed him to call upon me. You will easily judge that I have but little conception of what he is now, when I tell you that I often think of him when I play with my child. I would also be glad to hear about Colonel Allen and his family, and I wish, if in your power, to be kindly remembered to him. Present also my compliments to the worthy Mr. Jones, of Machias, of whom I have ever preserved a grateful remembrance, and also to Mr. Cony (do I spell his name right?), of Campobello. You see by the length of my letter that I feel happy in conversing with you, and I hope it will encourage you to renew and continue our correspondence.

I remain with sincere affection.

Mr. Savary, who usually lives within two miles of me when I am at home, and who is now in this city, sends you his compliments.

PLAN AT TIME OF BALLOTING FOR JEFFERSON AND BURR. COMMUNICATED TO NICHOLAS AND MR. JEFFERSON.

Objects of the ——.

1. To elect Mr. B.
2. To defeat the present election and order a new one.
3. To assume *executive* power during *interregnum*.

The first may be defeated by our own firmness. The second may be effected by them, either by passing a law or by depending on the present law and an election in December, and may, in either case, be defeated, if necessary, without any assumption of power on our part, by the next House of Representatives. For the new election cannot be completed and the votes counted except in presence of the House of Representatives. Congress must therefore be convened by themselves, in case of an immediate new election, or will be in session, of course, in December next, in case of an election taking its course without law. In either case, without any act of ours, the next House of Representatives shall be at liberty to act on the present election, if that mode is then thought the most eligible.

It is not, therefore, necessary for us to assume the executive power unless they shall assume it themselves.

The third will at best give them authority only till December next, and cannot secure to them the next election. It may be effected, 1, by law; 2, by Mr. Adams convening the Senate; or, 3, by the Senate convening themselves.

That they shall pass any law either on that subject or on a new election appears extremely improbable, because Mr. A. can gain nothing by it, and because, having fifty Republicans in the House against fifty-five Federalists, it is hardly to be supposed that we shall not be able to prevent the passage of any law; for those fifty-five include every doubtful man, such as Goode, Huger, &c. If they shall, however, pass a law, it will be by declaring that in any of the cases of vacancy in the office of President, Vice-President, President *pro temp.*, and Speaker, contemplated by the Constitution, the Chief Justice, or any other officer designated by the law, shall act as President, which law would be constitutional.

But whether the assumption be made by law or without it, the act of the person designated by the law or of the President *pro temp.* assuming the power is clearly unconstitutional.

For the Constitution has not provided any mode by which the Presidential power can be exercised except in the specific cases of vacancy therein enumerated.

If they shall *usurp*, for unconstitutional assumption is usurpation, are we to submit or not?

Stronger reasons than any that have yet been suggested could [alone?] justify a total submission. Any assumption on their part is usurpation. Usurpation must be resisted by freemen whenever they have the power of resisting. To admit a contrary doctrine would justify submission in every case, and encourage usurpation for ever hereafter. The mode of resisting seems to be the only question. In those States where a majority of the people or all the branches of the State government may be determined to support the usurpation, the minority may submit for a while, because they are under actual coercion. In those States where we may act, supported by our State governments, we shall run no risk of civil war by refusing to obey only those acts which may flow from the usurper as President. Some delicate questions may, however, occur respecting the power of courts and of several officers; and many inconveniences must take place, even in the collection of duties and similar laws, for want of a power of removal, filling vacancies, etc. Yet the evils inseparable from an interregnum may, by wisdom in us and our State governments, be rendered preferable to those flowing from either total submission to usurpation on their part or from usurpation on our part.

And if we do not submit, how are we to act?

1. We may either merely refuse to submit, declaring that we consider the time that shall elapse till the next meeting of Congress as an interregnum; leaving the several Republican States to act either separately or jointly, according to circumstances, during the interval; suffering all laws which are not immediately connected with Presidential powers (such as collection of duties, payment of debt, &c.) to take their course; preventing every partial insurrection, or even individual act of resistance,

except when supported by the laws of the particular State, and in opposition to any act flowing immediately from the person who shall have usurped; refusing to obey every order from the usurper, such as a call of militia, &c.; declaring our intention to have the usurper punished according to law as soon as regular government shall have been re-established, &c.

2. Or we may assume the executive power either by a joint act of the two candidates, or by the relinquishment of all claims by one of them. Considering that no final danger can result as relates to a new election, that the usurpation on their part will be temporary, and that the dangers of civil war, of the dissolution of the Union, or of the stab given to our republican institutions by any assumption of power on our part not strictly justified by the forms of our Constitution, are the greatest we have to apprehend; would it not be more prudent not to have resort to the last mode, provided the first shall be found practicable?

Outlines of our conduct.

1. Persevere in voting for Mr. J.

2. Use every endeavor to defeat any law on the subject.

3. Try to prevail on Mr. A. to refuse his assent to any such law, and not to call the Senate on any account if there shall be no choice by the House.

4. The Republican Senators to secede from any illegal meeting of the Senate, and to try to persuade Mr. F. also to secede, in case of no choice being made by the House.

5. To have a meeting, either self-created or of delegates appointed by the Legislatures of the Republican States, or only by the House of Representatives of those States where we have but one branch (viz., New York, Pennsylvania, Maryland, and South Carolina), in order to form an uniform plan of acting both in relation to a new election and to the usurpation if attempted.

1. In relation to a new election, if it was to take place in December next, as it would secure us a fair election, we might let it take its course, and we might do the same even in case of an earlier one, provided the Senates of the four above-mentioned States agreed also to give us a fair one.

But in the contrary case, it should be necessary to protest

against the same and to defeat it by an uniform plan, viz., the House of Representatives in the four States and the Legislatures of the other Republican States refusing to elect. In this case we might still leave it optional to the next House of Representatives of Congress either to act on the present election or to order a new one, according to circumstances. To collect information, and agree either in an acquiescence in or protest against the intended new election, would be the first object of the meeting.

2. The next object would be to agree on an uniform mode of resisting (not obeying) the orders of the usurper, and to discriminate between those and the laws which should be suffered to continue in operation.

N.B.—The meeting to be constituted and to act so as not to be considered as the result of an unconstitutional compact between the States.

6. To try to persuade Mr. A. to call Congress as early as possible in order to put an end to the interregnum, or to propose passing a law for that purpose.

7. To hasten the elections of Tennessee and Kentucky, so as to secure a meeting of Congress for 15th of May, if necessary.

8. To try to induce the Legislatures of New York and Pennsylvania, now in session, to pass laws for appointment of Electors, which should embrace the case of a special election earlier than December.

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1. They persevere in voting for B., or, 2, give us but one ballot, which results in no choice being made.

1. We do not persevere in voting for J., or, 2, by persevering, no choice is made. The result is that, 1, either B. is elected, or, 2, that no choice is made by the present House. In the second alternative they may either pass no law and do no act whatever relative to the subject, or pass a law directing a new election on a day prior to 1st December, or pass a law vesting the Presidential powers in a certain designated officer, or pass both laws, or pass only the first law relative to election, and assume the Presidential powers during the interregnum without a law.

If they shall pass no law, which hypothesis rests on the supposition that Mr. Adams will not concur in any such law, they

may either depend on the Secretary of State issuing a notification for an election on 1st December next, or only attach to us the stigma of partial usurpation, by compelling us to act in some one manner not contemplated by the Constitution, in order to make a choice.

Under every hypothesis except the last their objects are, 1, to have a new election; 2, to exercise the President's powers during interregnum.

I. *A new election.* Whether they aim at it through the medium of a new law, or through a notification of the Secretary of State under the present law, two questions arise, viz.:

1. Ought we to submit? 2. If we do not submit, how can we repel it?

The dangers of submitting are:

1. The eventual loss of the Vice-President in a new election. 2. The risk of losing the election of President, by their fixing a period sufficiently early to prevent the effect of a renovation of the Senate in New York, Maryland, Pennsylvania, and South Carolina, and thereby possibly neutralizing the votes of those four States. 3. The reanimation of the hopes and exertions of the Federal party in some States, and despair of success on the part of the Republicans also in some States. 4. The stab given to the Constitution by establishing the principle that the House, in every case where a majority of nine States does not exist, may defeat the election and order a new one. 5. The possibility of a dissolution of the Union if the disfranchised States or any of them should, on that account, declare that *they* will not submit, it being highly probable that any large State adopting that determination would be supported by the Republican States not disfranchised.

In order to appreciate the dangers of not submitting, it is necessary to state the manner in which a new election may be repelled.

It can be done only by assuming the principle that the election is complete, and that the choice between the two persons elected, if not made by the present House, may be made, 1, either by the resignation (prior to choice) of one of the two persons, or, 2, by a subsequent House of Representatives.

The resignation may be either complete, by an abandonment of both offices, or partial, by supposing that, the two candidates having a right to make the selection of the two offices, if the House shall not do it, they may themselves decide which of the two shall be President and which Vice-President. The choice by a subsequent House may be either made by the House at their annual meeting, or by a special session.

A special session, unless convened by the present Congress or by Mr. Adams (both of which are improbable), can be convened only by the joint act of Messrs. J. and B. And that mode, as well as a resignation in either of the two ways above stated, is predicated on an assumption of executive power on our part, which is liable to two formidable objections:

1. Danger of dissolution of Union, should the Eastern States support the measures which might be adopted by the present Congress.

2. Even in case of complete success on our part, the immense danger which must result to our republican institutions generally from the principle of an assumption of power not strictly warranted by the forms and substance of our constitutions being adopted, and adopted by *us* in any one case.

The remedy is so dangerous that, unless the plan of a new election should be connected with usurpation of power during the interregnum, submission, with all its inconveniences, may, on cool reflection, be thought preferable.

On the other hand, to leave the choice to a subsequent House convened without any assumption of power on our part, may be a sufficient remedy in the case where they should attempt no usurpation. For, let them order a new election whenever they please, they cannot count the votes and complete the election without Congress being convened, and then the next House may act either on the new or on the present election.

GALLATIN TO JEFFERSON.

WASHINGTON, 14th March, 1801.

SIR,—The weather having detained me here to-day, I have employed it in making some rough sketches relative to our financial situation, which I have the honor to enclose.

Independent of the uncertainty arising from the fluctuation in the amount of duties on imports, which vary so much as to have been two millions of dollars more in 1800 than the preceding year, I had neither time nor documents sufficient to give them even the degree of correctness of which estimates of that kind are susceptible.

No. 1 is an estimate of the probable receipts and expenditures for the year 1801, by which it would appear that we may have a surplus of above two millions of dollars applicable to the redemption of the debt. I am afraid that the revenue on imports is rated too high, although I have reduced it half a million less than last year, and it is not improbable that I may have supposed the savings for this year greater than will be found practicable. I find also a mistake of near one hundred thousand dollars in the marines, which arises from a part of the expenses of that corps being blended with the general navy appropriation.

But it is doubtful with me whether you have not a power, in laying up the frigates, to discharge a number of those marines, grounded on the 2d Section of the "Act for the establishing and organizing a marine corps."—Sec. 4th, vol. , page 200, lines 3d and 4th.

The simplest way of applying the surplus, whatever it may be, is, after making necessary remittances to Holland for the purpose of discharging this and part of next year's instalments, to pay a part of the debt due to the bank, which, by reducing the amount due to them, will enable them to assist us hereafter by temporary loans in equalizing the heavy instalments of the Dutch debt.

No. 2 is intended to show how far it will be necessary to reduce the naval and military establishments, in order to render a repeal of all the internal duties practicable, at the same time

that we should apply one million yearly to the payment of the Dutch debt. That sum at least is necessary in order to discharge the whole within the period for which it was originally borrowed. The payment of the British debts is perhaps the most untoward circumstance, as the result on that subject is not under our own control. And if we shall be obliged actually to pay them, we must necessarily either redeem less debt or continue the internal duties.

It is proposed in that sketch to continue those duties for the year 1802, because it seems necessary that Congress should have authorized a reduction of expense, and the expense should have actually been diminished, before taxes can be lessened; and because the risk seems too great to part altogether with that resource before we have had the trial of another year.

No. 3 shows the present rate of expense for the army, and the intended plan of Mr. Stoddard for the future expense of the navy. Although I have taken the liberty of suggesting in what manner the reduction might take place, it was merely in order to illustrate my meaning. The most eligible mode of making the reduction, and of applying and distributing amongst the several objects appertaining to those establishments the sums which shall ultimately be applicable to that purpose, must be the result of a strict investigation by the gentlemen who understand the subject. All I wish to impress is the necessity of a great reduction there, if it be intended to repeal the internal duties. Savings in every department may be practicable, and must be attempted whenever practicable; but we can save but thousands in the other, and we may save hundreds of thousands in those two establishments. And that they are practicable to the extent proposed appears from this fact. In the year 1797 the military and Indian departments, including fortifications, &c., cost only one million and sixty-two thousand dollars, and the naval establishment three hundred and eighty-two thousand, in all one million four hundred and forty-four thousand dollars. The average of both for the years 1796 and 1797 was about one million and a half. The lowest expense for the civil list, miscellaneous and contingent, foreign intercourse, &c., was 1796, during which it amounted to nine hundred and sixty-eight thousand

dollars. I have rated all those objects in No. 2 at only nine hundred thousand; which sum, unless the sessions of the Legislature shall be shorter, the Judiciary Act repealed, and the diplomatic and Barbary expenses curtailed, will not be sufficient.

I find that I have neglected another item of expense, viz., the repayment of the two hundred thousand dollars loan guaranteed to Maryland for this city, and which will become due in four equal instalments, if I recollect right, within two years. And it is also to be feared that the city will draw from Congress additional sums.

Excuse, I pray, the very great hurry with which these observations have been written, and believe me to be, with great and personal respect,

Your most obedient and humble servant.

P.S.—The subject of the purchase of the navy-yards seems to require attention. Is that at New York completed? and if the appropriation does not cover the purchases, is there no remedy against the agents? The appropriation of fifty thousand dollars for docks had not, on the 30th September last, been touched, and expired on the 31st December. The appropriation of two hundred thousand dollars was for timber, or lands on which timber was growing, and the President was, by the same law, authorized to *cause proper measures to be taken to have the same preserved.*

But the appropriation extended to the purchase of timber, and not to the expense attending those measures. Under color of that appropriation it appears that at least one hundred and eighty-six thousand eight hundred dollars have been applied to navy-yards, and the balance to frames for two additional 74's. Mr. Stoddard in his report misquotes the words of the law, and calls it an appropriation *for preparing proper places for securing the timber.* I enclose the report.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, June 12, 1801

SIR,—The complaints for want of stamps are certainly well grounded, yet difficult to remedy, at least by this Department. The fault has been in the original postponement of stamping, which has delayed every subsequent operation. They stamp here now at the rate of near twenty thousand impressions per day, but the distribution is slow. The stamps are sent from the Commissioner to the several supervisors, from each supervisor to the several inspectors in his district, from each inspector to the several collectors in his survey, from each collector to the storekeepers who may choose to purchase, and from them at last it is distributed to the consumers. The radical defect of our internal revenue system, and which I feel every day, pervades this as well as every other branch of that revenue. Instead of making the collectors account to and correspond with the Treasury Department, we know nothing of them except through the channel of the inspector, nothing of the inspectors except through the supervisors, and I know nothing of either except through the Commissioner of the Revenue.

As soon as I have got rid of the arrears of current business which had accumulated before my appointment, it is my intention to prepare and submit to you a plan tending to remedy that evil, so far as it can be remedied without the assistance of the Legislature.

In the mean while I have directed the Commissioner to write to Mr. Page, collector of internal revenue in Alexandria, that if he has not a sufficient supply of stamps, he may obtain any quantity and of any description by applying at the general office here.

What shows how much more proper it will be to open a correspondence direct with the collectors is, that Mr. Carrington, the supervisor, by his last return, dated 8th instant, states that he has in his possession by far too large a quantity of twenty-five cent stamps, and these are precisely those which are wanted

by his collector in Alexandria. I have the honor to be, very respectfully, sir,

Your obedient servant.

GALLATIN TO JEFFERSON.

25th July, 1801.

The enclosed is the rough draft of a circular to the collectors, and is intended to correct several abuses which have crept in many ports. But it is submitted for the purpose of ascertaining whether it is proper to take this opportunity of communicating the sentiments expressed in the two last paragraphs marked *. In the first it is only intended to let them know that it is expected that they will, although Federal, divide the offices in their nomination, and which in the large ports are really numerous, influential, and sometimes lucrative. And it is supposed that there is no danger in avowing the sentiment that even at present, so far as respects subordinate officers, talent and integrity are to be the only qualifications for office. In the second paragraph, the idea intended to be conveyed is that an electioneering collector is commonly a bad officer as it relates to his official duties (which I do sincerely believe to be true), and that the principle of a corrupting official influence is rejected by the present Administration in its own support, and will not be forgiven where exercised against itself.

If it is thought better not to touch the subject, let both paragraphs be erased, as the first is introduced only as introductory to the other.

If it is thought proper to express at present and in this communication those or similar sentiments, it is my wish that the two paragraphs be modified and corrected both as to sense and style.

With respect.

[Enclosure:]

*The law having given to the collectors the appointment of a number of inferior officers subject to my approbation, there is

on that subject, on which we must act in concert, but one sentiment that I wish to communicate; it is, that the door of office be no longer shut against any man merely on account of his political opinions, but that whether he shall differ or not from those avowed either by you or by myself, integrity and capacity suitable to the station be the only qualifications that shall direct our choice.

*Permit me, since I have touched this topic, to add that whilst freedom of opinion and freedom of suffrage at public elections are considered by the President as imprescriptible rights, which possessing as citizens, you cannot have lost by becoming public officers, he will regard any exercise of official influence to restrain or control the same rights in others as injurious to that part of the public administration which is confided to your care, and practically destructive of the fundamental principles of a republican constitution.

JEFFERSON TO GALLATIN.

WASHINGTON, July 26, 1801.

DEAR SIR,—I do not see sufficient reasons for preserving a revenue cutter at Charleston on a larger scale than elsewhere. I see no reason to expect pirates from St. Domingo, no instance of it having yet occurred; if there be any such danger, it is not peculiar to South Carolina, but threatens all the Southern States more or less according to their situation. If such danger should become imminent, it will behove us to furnish a more adequate defence: the revenue cutter, on its present plan, answers neither purpose well, either as a military or revenue instrument.

Mr. Madison happened to be with me when I opened your circular to the collectors. I approve so entirely of the two paragraphs on the participation of office and electioneering activity, that on the latter subject I proposed very early to issue a proclamation, but was restrained by some particular considerations; with respect to the former, we both thought it better to be kept back till the New Haven remonstrance and answer have got into possession of the public; and then that it should go further and require an equilibrium to be first produced by exchanging one-

half of their subordinates, after which talents and worth alone to be inquired into in the case of new vacancies. Whenever, from observing appearances after the New Haven papers have got abroad, you shall think the public mind in a proper state for this reformation, you will be so good as to send out a circular, either with or without previous communication to me. Health and affectionate respect.

GALLATIN TO JEFFERSON.

CITY OF WASHINGTON, 10th August, 1801.

DEAR SIR,—I have the honor to enclose the following papers, viz.: 1st. Extract of a letter from the collector of Sag Harbor, Long Island, on the application of hospital money. The same complaints have occasionally been made by other collectors in those small ports from whence the money has heretofore been drawn to the principal port. It might be a good rule to permit the collectors of those small ports to expend, when necessary, a sum not exceeding one-half of the moneys there collected, reserving the other half to assist the ports of the same State, when from any extraordinary cause the expense would be greater in any one year than the receipts, to purchase stock or to erect hospitals. But, as mentioned in a former letter, an exception is necessary in relation to Charleston, South Carolina, and principally Norfolk, on account of the public hospital there. I have as yet no answer to the permission requested to apply in relation to those two ports part of money collected in the adjoining States.

2d. Mr. Page's letter recommending Mount Ed. Chisman for collector of Hampton instead of William Kerby, to be removed for delinquency, as per your answer to my official report on that subject. Two months have elapsed since I had applied to Mr. Page for a recommendation, and if you approve, one of the blank commissions may be filled accordingly.

3d. George Jackson's, of Georgia, recommendation in favor of T. De Mottos Johnson for collector of Savannah instead of Powell, to be removed for the same cause as Kerby. The port

of Savannah being of great importance, and the accounts much deranged, render it essential that a perfectly suitable and very *active* man should be appointed. From Messrs. Taliaferro, Milledge, and Baldwin, to whom I had written on the subject, no answer is yet received.

You will be pleased to decide whether a commission should issue also in this case.

4th. Letters from Watson, collector at Plymouth, and General Lincoln, collector of Boston, in relation to the inquiry into Watson's conduct and its results. It is presumable that the liberality displayed in this instance had a good effect.

5th. A letter from Charles Pinckney on the propriety of removals there, and one from Simmons showing his compliance with a former circular in rendering his accounts. The letter from Mr. Pinckney, who has since sailed, was received the next day after I had written to you on the same subject and had enclosed St. Th. Mason's letter. It showed that I was not mistaken in what I had understood to be Mr. Pinckney's opinion. But it shows, also, that Mr. Doyley, who was General Mason's correspondent, and said that a removal after the meeting of Congress should be too late, is the candidate for the office.

There is something mysterious in that, and in your having received such different impressions on that subject from what I had. It is necessary that the situation of affairs there should be known, and it is desirable that it may not be necessary to remove the collector. He is the only active officer who has yet been obtained there. His predecessor, Holmes, had left everything in immense confusion. Much has been recovered through Simmons' exertions, and although the general relaxation, which pervaded the internal administration of this and every other department during the reign of energy, had produced the delay of his accounts, you see with what rapidity he has regained the time lost.

6th. Letters from Mr. Lincoln, Attorney-General, on present aspect in Massachusetts; from Gov. Langdon, wishing for more removals, and enclosing a letter from Judge Burke, South Carolina, wishing also for some, and recommending Thomas

Burke to the office in Savannah, for which Governor Jackson recommends Johnson; and from Mr. Osgood, of thanks.

7th. Returns of warrants issued last week amounting to $90,864.12. At the beginning of the week, 3d August, the balance of cash in the Treasury was $2,520,228.42. On the 25th May, which was the first regular return I could obtain, the balance was $1,926,263.05. The surplus money, for we have got more than we want in the Treasury, is applied, as fast as we can procure good bills, to purchase remittances for Holland, where we have to pay $1,900,000 next year, and if we do not take care to be beforehand will necessarily raise the exchange by purchasing large sums at once.

But this place is unfavorable, on account of the distance from Philadelphia and New York. You must altogether depend on banks or private agents. I have not been able to purchase since beginning of July more than about three hundred thousand dollars' worth, the whole at thirty-nine cents. Exchange is now at forty, and I must stop, otherwise government continuing to purchase would raise it above par.

Jonas Clark, collector of Kennebunk, was, it seems, appointed inspector of *external* revenue by the late President and Senate, but through some mistake notice was not given to the Department of State, and no commission issued.

In all the ports where there is a surveyor, he receives also a commission of inspector, which is necessary in the performance of some of his duties in relation to imported teas and spirits. In the ports where, as Kennebunk, there is no surveyor, the collector receives the same commission. Considering it as a matter of course, I have filled one of the blank commissions with his name for that office, which I hope will meet your approbation.

Governor Drayton has communicated that Ed. Darrel had accepted the place of commissioner of direct tax for the first division of South Carolina, for which he had received a blank commission. Mr. Darrel has also written, and hopes to complete the assessment in November. That of North Carolina is completed. No answer yet on the subject from Georgia.

The answer to New Haven seems to have had a greater effect

than had been calculated upon. The Republicans hope for a greater number of removals; the Federals also expect it. I have already received several letters from Philadelphia applying for the offices of customs, upon the ground that it is generally understood that the officers there are to be removed.

There is no doubt that the Federal leaders are making a powerful effort to rally their party on the same ground. Although some mistakes may have been made as to the proper objects both of removal and appointment, it does not appear that less than what has been done could have been done without injustice to the Republicans.

But ought much more to be done? It is so important for the permanent establishment of those republican principles of limitation of power and public economy, for which we have successfully contended, that they should rest on the broad basis of the people, and not on a fluctuating party majority, that it would be better to displease many of our political friends than to give an opportunity to the irreconcilable enemies of a free government of inducing the mass of the Federal citizens to make a common cause with them. The sooner we can stop the ferment the better; and at all events it is not desirable that it should affect the eastern and southern parts of the Union. I fear less from the importunity of obtaining offices than from the arts of those men whose political existence depends on that of party. Office-hunters cannot have much influence, but the other class may easily persuade the warmest of our friends that more ought to be done for them. Upon the whole, although a few more changes may be necessary, I hope there will be but a few. The number of removals is not great, but in importance they are beyond their number. The supervisors of all the violent party States embrace all the collectors. Add to that the intended change in the post-office, and you have in fact every man in office out of the seaports.

Whilst on that subject, is it not proper that the suppression of the nineteen offices of inspectors, worth twenty thousand dollars, should be known and understood? If you approve, I would send to the press the order itself which you signed for that purpose.

Duane is here, and applies for two appointments in favor of Gardner, a native of Pennsylvania, and Campbell, an United Irishman, the two clerks who gave him the transcript of the accounts of Dayton, Pickering, &c. The last was suspected and turned out; the first was not suspected, but resigned. He wants Gardner to be made agent with the Choctaw Indians, and Campbell to have a commission in the army.

Whatever impropriety there might be in their conduct, I have reason to believe Gardner to be a man of honor. Campbell is very impudent, but as enthusiastic as his friends (the United Irishmen, I mean) commonly are.[1]

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[1] The repeated allusions to Campbell and Gardner in the text will perhaps be better understood from the following letter:

ANTHONY CAMPBELL TO THOMAS JEFFERSON.

No. 297 Arch Street, Philadelphia, October 12, 1801.

Sir,—I am sorry a combination of circumstances which I neither could foresee nor expect compels me to address you, but I feel convinced, when you are informed that necessity and self-defence urge the measure, you will excuse the liberty. Had my communications to Mr. Gallatin upon an interesting subject been treated with that politeness and attention which from his character I had a right to expect, I most certainly would not have troubled you.

It is painful for me to relate, after upwards of sixteen months' disappointment and difficulties, that the exposition of the defalcations and peculations which took place under the former Administration originated with me. As a clerk in the office of the Auditor of the Treasury of the United States, on a review of the different accounts presented for adjustment, but particularly those of Messrs. Pickering and Dayton, I felt that indignation which I suppose every honest man does on becoming acquainted with a breach of trust, either public or private. Not bound by oath of office or any other moral obligation to secrecy, I did consider it an imperious duty to make the people of the United States acquainted with the fraudulent conduct of their agents. Accordingly, early in the month of June, 1800, I called on Mr. Israel Israel, and informed him that I was in possession of information which I intended to publish, and I trusted the publication would be the happy means of turning the current of public opinion against a party whose measures were in open hostility against Republicanism, and whose removal from power was my most ardent wish. I then handed him six copies of the accounts of Mr. Pickering, in whose hands at that time an unaccounted balance of upwards of half a million of dollars remained, and one copy of the account of Mr. Dayton, as agent for paying the compensation due to

Mr. Thornton presses for a decision in the question of admission of French privateers and their prizes.

I can give no opinion, having never considered the subject; but unless it is much clearer than I expect, it seems that delay is desirable, at least until after the ratification of the French convention. I know that you must at last meet the question; but Thornton would not speak if he was not instructed, and the importance of a decision is too great to be risked on any but the strongest grounds.

Hoping to hear soon from you, I remain with great respect.

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members of the House of Representatives, upon which at that time a large unaccounted balance remained in his hands from different sessions of Congress. I requested the editor of the "Aurora" might be sent for; consequently, that afternoon an interview took place, when the aforesaid seven copies of the Auditor's reports on the accounts of Messrs. Pickering and Dayton were put in the hands of Mr. Duane for the purpose of publication. Soon after this part of the transaction, in consequence of the removal of government to Washington, all the clerks, another and myself excepted, were sent to that place. At that time of almost general suspension of public business I had more leisure than usual, which I employed taking cursory reviews of the accounts of individuals in the public service, and found that delinquents were numerous, and consisted of influential characters in the departments of finance.

Some doubts remaining on the mind of Mr. Israel as to the authenticity of the reports of the accounts of Pickering and Dayton, and being apprehensive that Mr. Duane might be led into error by publishing them, in order to do away every doubt and to be able by respectable testimony to refute all attempts that might be made to invalidate the intended publications, I did voluntarily and without the previous knowledge of any person whatever convey the book containing these accounts to Mr. Israel's house, where, in the presence of John Beckley, Israel Israel, Samuel Israel, auctioneer, William Duane, and myself, the former copies were compared, and others equally as important were taken off, part of which were afterwards published in the "Aurora." . . .

During the agitation and discussions produced by these publications in the "Aurora," "American Citizen," &c., and the fortunate change that consequently took place in the public mind, some claimed the merit, while I remained silent and was sacrificed. But, sir, I solemnly assure you that no other person had any share in exposing those delinquencies but myself, except some assistance afforded me by William P. Gardner, then a clerk in the Auditor's office. For the truth of this assertion I refer to Mr. Gallatin, having sent him certificates to substantiate that fact, and to prove the rectitude of my moral character, some time ago. . . .

JEFFERSON TO GALLATIN.

MONTICELLO, August 14, 1801.

DEAR SIR,—Your favors of the 8th and 10th came to hand yesterday. With respect to Hopkins's case, which is the subject of the former, my opinion is generally that when a case is exactly that which the law meant to punish, it is one for which the power of pardon was not intended; but when a case is not that which the law meant to make criminal, and yet happens to be within its letter, there is proper ground to exercise the power of pardon. Ignorance of the law in the case of Hopkins, together with his having paid everything the Treasury had a right to, and gained nothing by the non-entry of his still, appear to bring him within the scope of the pardoning power. If you think so, and will have a pardon forwarded to me, I will sign it.

I enclose you the resignation of Anthony W. White, as surveyor of the port of New Brunswick. If this be the person I suppose, it will be no loss to the public.

The case of the expenditure of the hospital money, partly from the defects of the law, partly the difficulty of the subject, is very perplexing. How would it answer to get along as we have done till the meeting of the Legislature, and then to endeavor to establish a systematic plan legislatively? I know nothing of Chisman, proposed as collector of Hampton, and our friend Mr. Page, from the benevolent and unsuspicious cast of his mind, is the most unsafe recommender we can possibly follow. He never sees but the good qualities of a man, and those through the largest magnifiers. As the case will, I suppose, admit of some delay, I will write to persons of the neighborhood for further information, and will communicate the result; but if it admits no delay, then we may appoint Chisman, but be assured it will be at considerable risk. For the collectorship of Savannah I should prefer the recommendation of Jackson, who is of the State, to that of Burke, who is out of it. Will it not await the answers you expect from Baldwin, Milledge, and Taliaferro? if not, let us name Johnson. I shall have great reluctance indeed at removing Simmons, and especially as he promises the same

support to this which he gave to the preceding Administration: this removes the only reason urged by Mr. Pinckney for depriving him of his place, to wit, his electioneering influence and energy. At any rate, we must take time and have more information on the subject. The removals desired by Mr. Langdon are on better ground, but they also may wait a while. Is Jonas Clark, proposed as collector of Kennebunk, a Republican? His having been nominated by our predecessor excites a presumption against it; and if he is not, we must be inflexible against appointing Federalists till there be a due portion of Republicans introduced into office. It gives just offence to those who have been constantly excluded heretofore to be still excluded by those who have been brought in to correct the system. The answer to New Haven does not work harder than I expected. It gives mortal offence to the Monarchical Federalists, who were mortally offended before. I do not believe it is thought unreasonable by the Republican Federalists. In one point the effect is not exactly what I expected. It has given more expectation to the *sweeping* Republicans than I think its terms justify; to the moderate and genuine Republicans it seems to have given perfect satisfaction. I am satisfied it was indispensably necessary in order to rally round one point all the shades of Republicanism and Federalism, exclusive of the Monarchical, and I am in hopes it will do it. At any event, while we push the patience of our friends to the utmost it will bear, in order that we may gather into the same fold all the Republican Federalists possible, we must not, even for this object, absolutely revolt our tried friends. It would be a poor manœuvre to exchange them for new converts. I have no doubt of the expediency of publishing the suppression of the inspectorships, with an explanation of the grounds of it. With respect to Gardner as agent with the Choctaws, is one wanting, and has he the fitness for the place? If not, I should wish to make some other provision for him. With respect to Campbell, a restoration to the same office would seem the best and safest redress. I have no doubt we have a right to put the French and English on the same footing, by either receiving or excluding the prizes of both nations. The latter is our best policy; but I would never permit a foreign minister, on the foundation

of a mere newspaper paragraph, before the character of a fact be known, or even that it is a fact, to draw the government into the discussion and decision of the gravest and most difficult questions. I am clear, therefore, for giving no answer till the transaction and its whole character be authentically defined. From Mr. Thornton's court we can never get a decision after a fact has happened. Why should we be so complaisant as to decide for them beforehand? In a letter of this day to General Dearborn I have proposed our general rendezvous at Washington, on the last day of September. Present my best respects to Mrs. Gallatin, and be assured yourself of my sincere and friendly attachment and respect.

P.S.—All your papers are returned, except the report of warrants issued.

GALLATIN TO JEFFERSON.

CITY OF WASHINGTON, 17th August, 1801.

DEAR SIR,—Your favor of the 7th instant was received on the 11th, the day after the mail had closed. It arrives here on Tuesday, departs on Monday. You may answer by same mail, but cannot receive answer in less than fortnight. You will receive enclosed, as usual, the list of warrants, and I also enclose a letter from Mr. Doyley, and one from W. Jones, member of Congress for Philadelphia.

The first letter is not written in as explicit a language as might have been wished; but may not this be inferred from his and Mr. Pinckney's letters? that not only there is some danger of a Federal Senator being elected, which indeed I have uniformly apprehended, but that Mr. Doyley and his friends fear, in case of a Republican succeeding, that *he* may have personal views different from theirs and favor appointments of different persons. And is not this the reason why Mr. Doyley and friends wish the appointment to take place before the meeting of Congress? I have invited Mr. Doyley to a free communication of his sentiments.

You will find by the other letter that the Republicans expect a change in Philadelphia: this expectation is owing partly to the removal of the collector of New York, and partly to the answer to New Haven, which, as I mentioned before, has had a greater, if not a better, effect than was expected. Of the four persons he recommends, the name of Bache would be most popular; but he wants industry. Clay is certainly the most capable, unless Conoly, who is highly respected by all who know him, should be supposed to understand that particular business better. Upon the whole, in that also it is much better to wait the meeting of Congress. Dallas, who was here, agrees with me. Yet it must be allowed that the warm Republicans will be displeased. It is the same in New York in regard to Rogers, who, though the most capable, was the most obnoxious to the zealous Republicans. Duane has been here, and I have taken an opportunity of showing the impropriety of numerous removals. He may think the reasons good, but his feelings will be at war with any argument on the subject. Clay has also been here: the number of young men of true merit and some scientific knowledge is so small in our middle States, that I cannot help being very desirous that something for which he may be fit might be done for him.

His father has, excluding him, placed his younger brother in an eligible commercial situation, and the Bank of North America will never promote him beyond his one thousand dollars salary. What do you think of the Lisbon or one of the Barbary consulships? I do not know that either would suit him, but wish only to be acquainted with your intentions generally.

I had understood that a commission of marshal New Jersey had been directed to issue in favor of General John Heard, and I believe he had understood as much. An application has, in fact, been made for the commission, on a supposition that it had been lost. I have told Wagner to send you a blank one, that, if it was intended, it may be filled. The present marshal is Thomas Lowry; he has been in since 26th September, 1789, his commission expires 28th January, 1802.

Mr. Miller has put in my hands the enclosed from Mr. Fish. It may be difficult to answer, yet he has been uniformly considered as the mere tool of Hamilton, and was, with Giles and Wat-

son, the most active electioneering officer of government in New York. I must say something to Miller about it. E. Livingston said that the removal of Fish was not expected so long as Rogers was permitted to continue. By the by, it seems to me that Fish intends that letter for publication.

I have heard that Fenwick had received a letter of later date from Bordeaux, stating the ratification of our convention with France, and Dawson being on his way back, but have not been able to ascertain whether true or not.

I am, with sincere respect and attachment, dear sir, your most obedient servant.

JEFFERSON TO GALLATIN.

MONTICELLO, August 21, 1801.

DEAR SIR,—Your favors of the 15th and 17th are received; you will find an approbation signed at the foot of Mr. Miller's letter; all the papers enclosed to me are re-enclosed, except the list of warrants. I do not with very great certainty recollect the particulars as to General Heard, but I think we at first intended him the place afterwards given to Linn; that it was after that suggested he would accept the marshal's office, and some of us at least thought it fortunate, but I do not remember that it was decided finally. As far as I see of the matter, I should approve of his appointment, but I rather think it was concluded there should be no more removals till we should meet again. This is still my opinion; for however this gradual proceeding may in some respects be disagreeable, yet I have no doubt it offers greater advantage than evil. On this ground, as well as that specially noted in a former letter, nothing should be immediately done in South Carolina. The Dunwoody Secretary stands on a mass of family interests not to be thought little of. We should make a great many enemies for one friend. I sincerely wish Judge Burke could be fully impressed with the fatal consequences of a division on the election of a Senator for South Carolina. I like much the idea of giving Clay the consulship of Lisbon. I deem it the most important consulship

in our gift. I will write to Mr. Madison on the subject and ask his opinion. The letter of Fish is certainly not to be answered. The answer to New Haven was called for by great motives; but it must not lead us into the lists with every individual. We have nothing to fear from Fish's publication. I presume somebody will answer him for us, by reminding him of his carrying his official influence into elections, &c. Accept assurances of my affectionate esteem and high consideration.

JEFFERSON TO GALLATIN.

MONTICELLO, August 28, 1801.

DEAR SIR,—Your favors of the 18th and 24th came by yesterday's post. I am sorry Mr. Clay declines the consulship; it would have been very pleasing to us to replace our minister at Lisbon by such a consul as Clay. Perhaps reconsideration and inquiry into the advantages of the situation may reconcile it to him. I have not here my bundle of claims for office, and therefore cannot propose a successor for Colonel White in Jersey. Your acquaintance in the State will better enable you to do it. I have written to three gentlemen of great discretion, one at Norfolk, the others near Hampton, on the subject of Chisman. I have an answer from the one at Norfolk, who has never heard of him. I shall hear from the others before the next post. I have known Mr. Page from the time we were boys and classmates together, and love him as a brother, but I have always known him the worst judge of man existing. He has fallen a sacrifice to the ease with which he gives his confidence to those who deserve it not. Still, if we hear nothing against Chisman, we may venture to do what will be agreeable to Mr. Page. I am very anxious to do something useful for him; and so universally is he esteemed in this country, that no man's promotion would be more generally approved. He has not an enemy in the world. But we have but one officer here whom the *general* voice, Whig and Tory, marks for removal; and I am not well enough acquainted with its duties to be cer-

tain that they are adapted to Mr. Page's talent. The explanation you give of the nature of the office proposed for Jonas Clarke silences my doubts, and I agree to the appointment. I think we should do justice to Campbell and Gardner, and cannot suppose the Auditor will think hard of replacing them in their former berths. He has seen us restore officers where we thought their removal unjust, and cannot therefore view it in this case as meant to censure himself specially. Specific restitution is the particular measure of justice which the case calls for.

The doctrine as to the admission of prizes, maintained by the government from the commencement of the war between England, France, &c., to this day, has been this: the treaties give a right to armed vessels, *with their prizes*, to go where they please (consequently into our ports), and that these prizes shall not be detained, seized, nor adjudicated; but that the armed vessel may depart as *speedily as may be, with her prize*, to the place of her commission; and we are not to suffer their enemies to sell in our ports the prizes taken by their privateers. Before the British treaty, no stipulation stood in the way of permitting France to sell her prizes here; and we did permit it, but expressly as a favor, not as a right. See letter of August 16, 1793, to Gouverneur Morris, § 4, and other letters in that correspondence, which I cannot now turn to. These stipulations admit the prizes to put into our ports in cases of necessity, or perhaps of convenience, but no right to remain if disagreeable to us; and absolutely not to be sold. We have accordingly lately ordered away a British vessel brought in by a Spanish armed ship, and I have given it as my opinion to Mr. Madison that the British snow Windsor, lately brought in by the prisoners she was carrying, ought to be sent away. My opinion is, that whatever we are free to do we ought to do to throw difficulties in the way of the depredations committed on commerce, and chiefly our own commerce. In the case of the Spanish privateer at Wilmington, North Carolina, who wants to sell as much of his prize as will refit the privateer, it is absolutely forbidden. The directions you have already given as to the prize herself coincide perfectly with what I think right. No pardon has come to me from Mr. Wagner for Hopkins. I

consent to the transfer you propose of the superintendence of the light-houses of Portsmouth and New York to the present collectors of those ports, and to the appointment of the collector for Savannah recommended by General Jackson, if you learn nothing to the contrary from the delegates. Accept assurances of my affectionate esteem and high respect.

JEFFERSON TO GALLATIN.

MONTICELLO, September 5, 1801.

DEAR SIR,—Your favor of August 29th came to hand on the 3d, but no commission for Chisman is come to hand from Mr. Wagner; it shall be signed as soon as received, as my information relative to him is favorable. I return you all the papers received in your last, except the list of warrants. With respect to Sproat, you will do what you find best. The circular letter has my entire approbation. I have written by this post both to Mr. Meredith and Colonel Habersham fixing the translation of the latter to the last day of October.

Mr. Madison happened to be with me on the arrival of our last post, and had directed his mail to be brought here, but it has failed, consequently he has not yet received his letters by the Maryland, and we are as yet uninformed of the points on which the ratification is suspended, but we both conclude it improper to delay either the Boston or Mr. Livingston. He gives notice by this post that the departure of both must be prepared, and hopes to receive his letters in time to prepare and forward Mr. Livingston's ultimate instructions by the next. I wish Murray may not trust himself with any important modifications. If the treaty should never be ratified, it will only begin the work of placing us clear of treaty with all nations.

I learn with sincere regret the continued illness of your child. My sympathies with you in that distress flow from great trials in the same school at a former period of my life. General Dearborn's situation is peculiarly afflicting. My health has been uninterrupted, as well as that of my family; so also has been

Mr. Madison's. No letter written by you after your receipt of this can be answered sooner than by myself in person, as I shall be with you on the 30th. Accept assurance of my sincere esteem and high respect.

GALLATIN TO JEFFERSON.

WASHINGTON, 7th September, 1801.

DEAR SIR,—I duly received your favor of the 28th ultimo. In the case of the intended successor of General White as surveyor at Brunswick, I applied to the printer, S. H. Smith, who married there, and who, after ten days' deliberation, told me that he had in vain tried to find a Republican there fitted for the office, but mentioned the name of John Nelson as a very respectable and moderate Federal character there. If that will not do, might it not be well to apply for information to General Heard, who lives within ten miles of Brunswick?

I received a letter from Mr. Milledge, of Georgia, recommending, without any remarks, four persons as proper to succeed Mr. Powell, the collector of Savannah. One of the four, though not the first in order, is the same person whom Governor Jackson recommended. The office is so important that I have thought it best to delay filling the commission for one week longer, in order, if possible, to receive answers from Messrs. Taliaferro and Baldwin; and I have also written on the subject to Colonel Few, at New York. As you have acquaintances in the vicinity of Norfolk, it is very desirable that information should be obtained from them on the subject of a proper successor for Nat. Wilkins, collector of Cherry Stone (Eastern Shore, Virginia), who is the worst delinquent on the list, his last account rendered being to 31st December, 1796. I have written to Mr. Page and young Mr. Newton, but neither can recommend any person. The successor should have integrity, keenness, and firmness. There is much smuggling in that district, and, the people being in the habit of favoring it, it will require some exertions to put an end to it.

The two enclosed from Mr. Brent, and from Mr. Steele, the last covering one from Mr. Simmons, require no comment.

You will see by that of Mr. Jarvis that he declines accepting the collectorship of Penobscot. This leaves us in a very awkward situation, as in the mean while, Lee being superseded, we have no collector there. Mr. Jarvis recommends his brother. On the other hand, I have a recommendation for P. D. Serjeant, which I enclose. It was given me at the time by General Dearborn, who spoke favorably of the applicant, but on the whole preferred Mr. Jarvis—him who declines. Of this last gentleman's brother I did not hear General Dearborn speak, though he must have known that he resided on the spot, whilst the brother whom he recommended was established at Boston.

In respect to the appointment of an inspector of internal revenue for the new district of North-West of Ohio, I enclose Mr. Worthington's letter, but have not the time to wait for an answer from you, as the person must receive his appointment by the 1st of October. Upon the whole, it has appeared to me most eligible to fill the blank commission you left for that object with the name of Th. Worthington, leaving him a reasonable time to resign either that or the place of register of the land office.

I had much rather he would keep the last, which is of more importance to the revenue and far more to the people than the other, because I consider him as being, upon the whole, the most respectable character in the North-West Territory; but a decision of the Attorney-General's in relation to his fees has, I apprehend, somewhat disgusted him.

It had been my intention to fill the commission with the name of Samuel Finley, the receiver of Chillicothe, as the two offices seemed more compatible, and the commission on that of receiver (one per cent. on moneys received) is not equal to the risk and trouble; but he has now upwards of a hundred thousand dollars in hand, and is not as regular in making his returns as he ought to be.

If upon investigation it will appear that it was owing only to the pressure of business, and Mr. Worthington will keep the register's place, I would still incline for that arrangement; but the temporary appointment of Mr. W. will give us time to examine. You will be able to appreciate the weight of his recom-

mendations in favor of two persons as collectors at Cayuga and Cincinnati. I do not expect any further information in relation to those two posts, and will, of course, wait for your instructions.

The list of warrants is, as usual, enclosed. Payments go on very well. After making the payments of interest due for this quarter at the end of this month, we will have two millions and a half, at least, in the Treasury. We had but two at the end of last quarter.

My only embarrassment proceeds from the difficulty of purchasing good bills on Amsterdam, in which we ought to have had five hundred thousand dollars more invested by the 1st October next. We have paid heretofore but thirty-nine, but must now give forty cents per guilder.

I was absent when the despatches from France arrived, and cannot form any precise opinion of the result. I have uniformly thought that the modification proposed by the Senate having put it in the power of France to act as they pleased, that consistency was not, in the situation of Bonaparte, to be expected, which a government solely actuated by the permanent and solid interest of its nation would be likely to preserve.

If, for any reasons connected with foreign policy or their own domestic concerns, they do not think it their interest to ratify at the moment when the negotiation takes place, I think that they will take hold of the alteration proposed. Yet I had thought that peace with America was so popular in France that they would not run the risk of a rejection, and that that cause would preponderate over any other. On the other hand, it is clear that the signing of the convention was at least hastened by the wish to operate favorably on the northern powers, and that this motive has now ceased. If they intend to make peace with Great Britain, may they not think that they will be likely to make a more advantageous treaty with us after that event, or rather after the expiration of the British treaty, than now? If they are really sincere in their objections to the omission, and it seems also to the restoration of the second article, and insist on a positive renunciation of indemnities and treaties, not with a view of defeating the treaty, but because they actually want

such renunciation, may it be that they intend to occupy not only Louisiana, but also the Floridas, and wish therefore an explicit annullation of the Treaty of 1777?

I hope these delays will not be attended with any real change in the relative situation of the two countries, but I fear the effect on the public mind here.

Commodore Dale has arrived almost in the nick of time in the Mediterranean; yet it is to be wished that he had met the Tripolitan at sea instead of Gibraltar.

With great respect and sincere attachment, your very obedient servant.

GALLATIN TO JEFFERSON.

WASHINGTON, September 12, 1801.

DEAR SIR,—This will be handed by M. L. Davis, of New York, the candidate for the naval office. I used my endeavors to prevent his proceeding to Monticello, but he had left New York with that intention, and is not easily diverted from his purpose. The reason he gives for his anxiety is that, immediately after the adjournment of Congress, E. Livingston and others mentioned to him that a positive arrangement was made by the Administration by which he was to be appointed to that office; that he was so perfectly confident, till some time in June, that such was the fact, as to refuse advantageous proposals of a permanent establishment, and the general belief on that subject has placed him in a very awkward situation in New York.

He presses me much, on the ground of my personal knowledge both of him and of the local politics of New York, to give you my opinion in a decided manner on that subject; which to him I declined, both because in one respect it ~~was not made up, and because my own opinion,~~ even if decided, neither ought nor would decide yours. The propriety of removing Rogers remains with me the doubtful point: after Fish's removal, and that of others, they in New York seem to suppose that the

dismission of Rogers is, on account of anti-revolutionary adherence to enemies, unavoidable; the answer to New Haven appears to have left no doubt on their minds on that subject, and I apprehend that the numerous removals already made by you there, and the almost general sweep by their State government, have only increased the anxiety and expectations of a total change. In relation to Rogers himself, though he is a good officer, I would feel but little regret at his being dismissed, because he has no claim detached from having fulfilled his official duties, has made an independent fortune by that office, and, having no personal popularity, cannot lose us one friend nor make us one enemy. But I feel a great reluctance in yielding to that general spirit of persecution which, in that State particularly, disgraces our cause and sinks us on a level with our predecessors.

Whether policy must yield to principle, by going farther into those removals than justice to our political friends and the public welfare seem to require, is a question on which I do not feel myself at present capable of deciding.

I have used the word "*persecution*," and, I think, with propriety; for the council of appointments have extended their removals to almost every auctioneer, and, that not being a political office, the two parties ought certainly to have an equal chance in such appointments.

As to the other point, if Rogers shall be removed, I have no hesitation in saying that I do not know a man whom I would prefer to Mr. Davis for that office.

This may, however, be owing to my knowing him better than I do others who may be equally well qualified. I believe Davis to be a man of talent (particularly quickness and correctness), suited for the office, of strict integrity, untainted reputation, and pure Republican principles. Nor am I deterred from saying so far in his favor on account of any personal connection with any other individuals; because I am convinced that his political principles stand not on the frail basis of PERSONS, but are conclusively bottomed on conviction of their truth, and will ever govern his political conduct. So far as I think a prejudice against him in that respect existed, I consider myself

in justice to him bound to declare as my sincere opinion. Farther I cannot go.

As the mail will reach you only one day later than Mr. Davis, I will defer writing on business till Monday. The elections of Maryland are decisively in our favor: twenty-six to fourteen is the probable result,—a majority certain.

I feel in better health and better spirits since the change of weather, which, together with the change of air, seems to have had a favorable effect on my child's health. Mrs. Gallatin and her daughter, three weeks old, are very well.

Robert Smith is and will continue absent for some time longer. On his arriving home last Saturday, he found his eldest son dead, and his wife expects daily to be confined. S. Smith, who wrote me on the subject, [says] that this ought to hasten Mr. Madison's return, and that friends and foes begin to complain of long *absences*. I wish earnestly we may all meet as early as possible, yet do not apprehend any inconvenience to have yet resulted for the public service from your absence.

I am, with sincere respect and attachment, your obedient servant.

I enclose recommendations sent to me in favor of Davis.

GALLATIN TO JEFFERSON.

WASHINGTON, 14th September, 1801.

DEAR SIR,—In relation to Gardner and Campbell, formerly clerks in the Auditor's office, their case is not similar. Gardner voluntarily resigned about a year ago. As to Campbell, the Auditor states that when the public offices were about to be removed, the clerks, and he among the number, were supplied an advance of money to defray their expenses to Washington, that Campbell remained behind without either explaining the cause of his delay or intimating his final intention, and that his place, after being kept vacant a considerable time, was at length necessarily supplied by another.

Under those circumstances the Auditor thinks that to make

room for them by the removal of others would be doing an act of injustice, in which he cannot consent to have any agency.

Mr. Harrison seemed hurt at the supposition that he had been guilty of any act of wanton injustice or political intolerance, at the same time that he had no hesitation in saying that, although Campbell was not turned out, yet if he had returned here, and it had appeared that he was the person who had communicated official papers without his permission, it would have been considered as a breach of trust and a sufficient cause of removal. He also represented that an interference of that nature was inadmissible, for if C. and G. had been dismissed by him, no matter for what cause, how could he possibly submit to the indignity, or indeed be capable of performing his official duties, and amongst others that of directing and controlling his clerks, if they were to be reinstated upon application by them to another than himself?

I am clearly of opinion that Campbell under all circumstances ought not to be restored, and I think also that, as a general principle, Mr. Harrison's last observation is correct. But I must in candor add that I made a blunder in this business: instead of speaking to Mr. H. in my own name, I showed him what you had written to me, and he considered the whole as done with intention of hurting his feelings. I acted awkwardly, because acting against my own opinion in recommending Campbell's restoration. This is, however, only a trifling *family* controversy, and will not be attended with any other effect abroad, except giving some temporary offence to Duane, Beckley, Israel, and some other very hot-headed but, I believe, honest Republicans. This leads me to a more important subject. Pennsylvania is, I think, fixed. Although we have there amongst our friends several office-hunters, Republicanism rests there on principle pretty generally, and it rests on the people at large, there not being in the whole State a single individual whose influence could command even now one county, or whose defection could lose us one hundred votes at an election.

It is ardently to be wished that the situation of New York was as favorable; but so much seems to depend in that State on certain individuals, the influence of a few is so great, and the

majority in the city of New York (on which, unfortunately, the majority in the State actually depends, that city making one-eighth of the whole) is so artificial, that I much fear that we will eventually lose that State before next election of President.

The most favorable event would certainly be the division of every State into districts for the election of electors; with that single point, and only common sense in the Administration, Republicanism would be established for one generation at least beyond controversy; but if not obtainable as a general constitutional provision, I think that our friends, whilst they can, ought to introduce it immediately in New York. Davis's visit to Monticello has led me to that conclusion by drawing my attention to that subject.

There are also two points connected with this on which I wish the Republicans throughout the Union would make up their mind. Do they eventually mean not to support Burr as your successor when you shall think fit to retire? Do they mean not to support him at next election for Vice-President? These are serious questions, for although with Pennsylvania and Maryland we can fear nothing so long as you will remain the object of contention with the Federalists, yet the danger would be great should any unfortunate event deprive the people of your services. Where is the man we could support with any reasonable prospect of success? Mr. Madison is the only one, and his being a Virginian would be a considerable objection. But if, without thinking of events more distant or merely contingent, we confine ourselves to the next election, which is near enough, the embarrassment is not less; for even Mr. Madison cannot on that occasion be supported with you, and it seems to me that there are but two ways, either to support Burr once more, or to give only one vote for President, scattering our votes for the other person to be voted for. If we do the first, we run, on the one hand, the risk of the Federal party making Burr President, and we seem, on the other, to give him an additional pledge of being eventually supported hereafter by the Republicans for that office. If we embrace the last party, we not only lose the Vice-President, but pave the way for the Federal successful candidate to that office to become President. All this would be remedied by the amend-

ment of distinguishing the votes for the two offices, and by that of dividing the States into districts. But as it is extremely uncertain whether such amendments will succeed, we must act on the ground of elections going on as heretofore, and here I see the danger, but cannot discover the remedy. It is indeed but with reluctance that I can ever think of the policy necessary to counteract intrigues and personal views, and wiser men than myself must devise the means; yet, had I felt the same diffidence, I mean total want of confidence, which during the course of last winter I discovered in a large majority of the Republicans towards Burr, I would have been wise enough never to give my consent in favor of his being supported last election as Vice-President. In this our party, those at least who never could be reconciled to having him hereafter as President, have made a capital fault, for which there was no necessity at the time, and which has produced and will produce us much embarrassment. I need not add that so far as your Administration can influence anything of that kind it is impossible for us to act correctly, unless the ultimate object is ascertained. Yet I do not believe that *we* can do much, for I dislike much the idea of supporting a section of Republicans in New York, and mistrusting the great majority, because that section is supposed to be hostile to Burr, and *he* is considered as the leader of that majority. A great reason against such policy is that the reputed leaders of that section, I mean the Livingstons generally, and some broken remnants of the Clintonian party who hate Burr (for Governor Clinton is out of question and will not act), are so selfish and so uninfluential that they never can obtain their great object, the State government, without the assistance of what is called Burr's party, and will not hesitate a moment to bargain for that object with him and his friends, granting in exchange their support for anything he or they may want out of the State. I do not include in that number the Chancellor nor Mr. Armstrong, but the first is, in that State, only a name, and there is something which will forever prevent the last having any direct influence with the people. I said before that I was led to that train of ideas by Davis's personal application, for although in writing to you by him I said, as I sincerely believe it, that he never would

or could be influenced by B. or any other person to do an improper act, or anything which could hurt the general Republican principle, yet it is not to be doubted that after all that has been said on the subject his refusal will, by Burr, be considered as a declaration of war. The Federals have been busy on the occasion. Tillotson also has said many things which might not have been said with equal propriety, and I do know that there is hardly a man who meddles with politics in New York who does not believe that Davis's rejection is owing to Burr's recommendation. On that as well as on many other accounts I was anxious to prevent Davis's journey; but to want of early education and mixing with the world I ascribe his want of sense of propriety on this occasion, and his going is the worst thing I have known of him.

I leave this subject with pleasure, and yet find that I have in a hurry thrown my ideas on it in such a confused manner as would require a revision, but I trust in your indulgence and candor.

I enclose Mr. Milledge's and Mr. Few's letters, and will, in pursuance with your last letter but one, direct a commission for Mr. Thomas Johnson, the person recommended by Governor Jackson.

A Mr. Richard Parrot called this morning on me to tell me that the office of collector of Georgetown was vacant, and that he had been formerly recommended to you. Mr. Habersham has not communicated anything to me.

I have not seen the despatches from France, and do not know on what ground you have determined to send the minister to France at present, but it will at least afford an argument to those who have attacked the sending of Mr. Dawson. Why not send Mr. Livingston at first? and if that was improper then, why is it proper now?

An answer to this should be ready to go to the public when his departure shall be announced. The list of warrants is enclosed, as usual.

Believe me to be, with great and sincere respect and attachment, your obedient servant.

Mr. Smith is still absent. Several of the more decent Federal papers begin to attack the absence of so many members of the Administration.

JEFFERSON TO GALLATIN.

MONTICELLO, September 18, 1801.

DEAR SIR,—Your favors of the 7th, 12th, and 14th instant came to hand yesterday, consequently that of the 7th must have slept a week somewhere. Mr. Davis is now with me; he has not opened himself. When he does, I shall inform him that nothing is decided nor can be till we get together at Washington. I keep all the letters of recommendation of him which you enclosed me, as also Milledge's letter, and return you all your other papers. I approve of your intended application to General Heard for a successor to White, and wish you to appoint any one whom his recommendation or other better evidence shall place in your view as the best. As to the successor to Powell, of Savannah, I should think the person on whom Milledge and Jackson both unite might be safely appointed. I will write to inquire for a substitute for Wilkins, of Cherry Stone. As to Jarvis's successor, will it not be better to wait for General Dearborn, who, I suppose, will be at Washington as early as I shall, or nearly so? not, however, that I know this, but only presume it. I am glad you have yourself settled Worthington's appointment, as I possess no knowledge which could have aided you. In the case of Cayuga and Cincinnati, where you seem to be without information, it is probable Captain Lewis can help us out. He is well acquainted there. Being absent at this time, I have not an opportunity of asking him, but he will be on with me at Washington on or before the last day of the month. With respect to Gardner and Campbell, I must leave them to yourself. I think we are bound to take care of them. Could we not procure them as good berths as their former at least, in some of the custom-houses? One part of the subject of one of your letters is of a nature which forbids my interference altogether. The amendment to the Constitution,

of which you speak, would be a remedy to a certain degree. So will a different amendment which I know will be proposed, to wit, to have no electors, but let the people vote directly, and the ticket which has a plurality of the votes of any State to be considered as receiving thereby the whole vote of the State. Our motions with respect to Livingston are easily explained: it was impossible for him to go off in the instant he was named, or on shorter warning than two or three months. In the mean time, Bingham and others, mercantile men, complained in Congress that we were losing so many thousand dollars every day till the ratification of the treaty. A vessel to carry it was prepared by our predecessors, and all the preparatory expenses of her mission incurred. This is the reason why Mr. L. did not go then. The reason why he must go now is that difficulties have arisen unexpectedly in the ratification of the treaty, which we believe him more capable of getting over than Mr. Murray. We think that the state of the treaty there calls earnestly for the presence of a person of talents and confidence; we would rather trust him than Murray in shaping any new modification.

I sincerely congratulate you on the better health of your son, as well as on the new addition to your family, and Mrs. Gallatin's convalescence. I consider it as a trying experiment for a person from the mountains to pass the two bilious months on the tide-water. I have not done it these forty years, and nothing should induce me to do it. As it is not possible but that the Administration must take some portion of time for their own affairs, I think it best they should select that season for absence. General Washington set the example of those two months; Mr. Adams extended them to eight months. I should not suppose our bringing it back to two months a ground for grumbling, but, grumble who will, I will never pass those months on tide-water. Accept assurances of my constant and sincere esteem and respect.

GALLATIN TO JEFFERSON.

WASHINGTON, September 21, 1801.

DEAR SIR,—I have nothing new to communicate, expecting to see you in a few days, and being much engaged this day. I only enclose the list of warrants and two letters: one from Mr. Dent applying for the Treasurer's office, and one from Dr. Bache, to which last I am at a loss how to answer. Mr. Habersham seems embittered and determined not to accept the office of Treasurer.

I can go on with the routine of this Department, but I have not been used to be so long left to myself for everything, and, besides the pleasure I will feel in seeing you, am on public accounts extremely anxious for your arrival. Robert Smith returned only last night. General Dearborn expects to leave home the 24th.

With great respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

October 8, 1801.

The inducement which you propose in order to engage Powell to bring up his accounts is approved; so is also the idea of collecting men of talents about us, even in offices which do not need them. Upon the principle of distribution also I doubt if the Treasury should be given to Maryland.

With respect to Dr. Bache I must have some conversation with you; as to the office of Postmaster-General, he might be told that an arrangement, made as soon as the resignation took place, binds us up from any change. Health and respect.

JEFFERSON TO GALLATIN.

WASHINGTON, October 9, 1801.

DEAR SIR,—I return you Mr. Dallas's opinion on the question whether the goods of a citizen taken by one belligerent in the bottom of another may be received here, with the consent of the captor, by the owner. His idea that, by the principle established with France that enemy bottoms make enemy goods, these goods are assimilated to the real enemy goods which were on board, is imposing at first view, but yields, in my opinion, to further consideration. For whose benefit was that principle established? Clearly for the benefit of the captor; and how can a third party, not interested in the question, prevent him from relinquishing his benefit in favor of our citizen? Ransom or fraud may make another question of it; but while it is stated as a bona fide relinquishment of the benefit which the treaty between France and us had introduced for the captor, I cannot conceive that the owner of the bottom has a right to object. Suppose the British owner had ransomed his vessel, or that the captor had ceded to him the benefit which the laws of war had given him by making capture a transfer of property, could we, who have no interest nor right embarked in the question, control their transaction? It would really be hard that the goods of our own citizen, relinquished to him by the captor, should be prohibited *by us* from our own ports. Yet, as we have no Attorney-General here, I would not proceed against Mr. Dallas's opinion. I wish it may go off on your first letter supposing a consent of all parties, or, if the British minister objects, I wish Mr. Hancock could find some means of carrying it into court. Whether this can be done by mandamus I am not satisfied. If it could, it would be a prompt trial of the question. Should the case come back to us on the dissent of the British minister, it is so important as a first precedent that great consideration must be bestowed on it. Health and respect.

GALLATIN TO JEFFERSON.

[9th November, 1801.]

DEAR SIR,—Enclosed you will find the letters received by last mail (one excepted from Surveyor-General, on which I have not yet formed an opinion). I would suggest the propriety of my not sending those which require certain previous inquiries, such as those of Th. Worthington, E. Boudinot, J. Ingersoll, until after the inquiries have been made and an opinion formed, when the whole subject may be laid before you. I also enclose two drafts of letters, one on Mr. Pichon's application and the other in relation to an apparently delinquent collector.

I send along with this a bundle of what we call public letters, also received by mail. The greater part of these are endorsed so as to be distinguishable, and are opened by the principal clerks. They consist principally of the weekly statements, &c., of collectors, never require any answer, except when at the end of a quarter the result does not agree with the quarterly accounts or they exhibit too much money in hands of a collector.

I never look at them, but they are entered in a book, which has been prepared under my direction by one of the clerks, so as to exhibit weekly a general view of all the transactions. From that book a weekly sheet is made out exhibiting the balance in hands of collectors, &c., subject to drafts of the Treasury, and that general view enables to draw upon them, to call on them, when necessary, for more regular returns, and sometimes to institute inquiries, as in Mr. Gerry's case.

I do not suppose you want to see those letters, but have sent them as a sample, and will confine myself hereafter to letters on which it is necessary for me to act, unless you shall otherwise direct.

The whole of my correspondence is generally very insipid, consisting of petty details, &c., and I have as much as possible abridged it. It will by no means convey just ideas of the real business of this Department; this, as well as the object you have generally in view and which is of primary importance, can, in my opinion, be obtained only by regular meetings.

It seems to me that a general conference once a week, to which might be added private conferences of the President with each of the Secretaries respectively once or twice a week, is a necessary measure; but those conferences should be fixed on certain days and hours, otherwise they will be only occasional, and, as we have already experienced, often omitted. Feeling, as I do, the necessity of concert, I make no apology for the suggestion.

I have the honor to be.

JEFFERSON TO GALLATIN.

November 11, 1801.

	Specie.	Due by Banks, and convertible into Specie.	Discounts.	Six per Cent. and Advances to Government.	Notes in Circulation.	Deposit of Government.	Deposits of Individuals.	Undivided Profits.	Capital.
Bank U. S.	5,000,000	1,450,000	12,150,000	5,460,000	5,200,000	3,560,000	5,240,000	40,000	10,000,000
New York	581,819	809,894	2,718,736	562,563	1,027,000	704,240	1,390,046	.....	1,800,000
Boston	649,009	149,736	1,791,143	.....	767,360	955,365	459,571	.....	700,000
Baltimore	554,933	232,583	1,575,766	.....	933,025	487,446	435,249	.....	600,000
Norfolk	780,169	114,883	491,790	.....	405,375	445,797	276,219	.....	250,000
Charleston	941,500	543,414	1,968,003	.....	1,315,920	412,336	1,124,947	.....	600,000
	8,507,430	3,300,510	20,695,438	6,022,563	9,653,680	6,565,224	8,926,032	40,000	13,950,000

The bank statements are new to me and present curious information: to obtain a general idea I have brought them together as above, very inaccurately, omitting some items I did not understand, lumping others perhaps ill understood; but such an abstract accurately made would be interesting. For this purpose it would require in the first place a judicious form to be devised, and that sent to all the banks with a request they would put their statements into that form. It would then be easy to generalize every set of returns, and at the end of the year to make an average from the whole. And why should not the bottom line of the yearly average be presented to Congress? It would give us the benefit of their and of the public observations, and betray no secret as to any particular bank.

I enclose you a letter concerning Cherryston's, of which I can make little. The applications for moneys due on appropriations

may certainly be omitted to be sent to me, as the effect appears in the weekly abstract of warrants. Those conveying information of *what is passing* or of *the state of things* are the desirable. Dr. Tucker's coming into office may be fixed for the 1st day of December. Health and good wishes.

JEFFERSON TO GALLATIN.

November 12, 1801.

The supervisor of New Hampshire (Rogers) was a Revolutionary Tory. I am therefore ready to change him.

If we are to appoint a Federalist at Cherryton's, I have no doubt that Bowdoin is preferable to any other. His family has been among the most respectable on that shore for many generations: if, however, we have any means of inquiry, we ought to avail ourselves of them.

Mr. Read's letter I forward to Mr. Madison merely to bring the establishment of those agents under his notice. He will return it to you.

The enclosed rough draft of a message I had prepared for the Senate will show you the views in conformity with which were all the instructions which went from hence relative to the Senatorial complaint against Duane. My idea of the new prosecution was not that our Attorney should ever be heard to urge the common law of England as in force otherwise than so far as adopted in any particular State, but that, 1st, he should renew it in the Federal court if he supposed there was any Congressional statute which had provided for the case (other than the Sedition Act), or if he thought he could show that the Senate had made or adopted such a *lex parliamenturia* as might reach the case; or, 2d, that he should bring the prosecution in the State court of Pennsylvania, if any statute of that State, or statutory adoption of the common law of England, had made the offence punishable. These were my views. They were not particularly given by way of instruction to the Attorney, because it was presumed they would occur to him, and we did not choose, by prescribing

his line of procedure exactly, to take on ourselves an unnecessary responsibility. I will thank you to return the paper, as well for this message as the sketches, on the back of it, of some paragraphs of the first message to Congress, of which, in a day or two, I shall ask your revisal. In that the Sedition law will be presented under another view. Health and good wishes.

GALLATIN TO JEFFERSON.

[Received] 15th November, 1801.

DEAR SIR,— . . . No letters received by last mail.

I have found so much difficulty in arranging, or rather procuring correct statements amongst the Treasury documents, that I cannot yet give any probable estimate of the revenue within half a million,—of course cannot give any opinion of the propriety of abolishing the internal revenues; but I am clearly of opinion they should all go or all remain. It would not be worth while to preserve the excise alone at such monstrous expense and inconvenience as the collection now costs. The two documents of "receipts and expenditures for 1800," and of "estimates for 1802," cannot accompany your message, as they are directed by positive resolutions of the House to be laid yearly before them by the Secretary. But as they must be supposed to have been communicated by him to you, they may with propriety be referred to in the message. They are matters of form prepared by the Register, and to which for the present year I have concluded to make no alteration in point of form.

If possible, I will on Tuesday lay before you general results sufficient to give you all the information you may want in relation to the general views you intend exhibiting in the message. But in the mean while could you calculate what will be the annual sum wanted to pay the interest on, and pay off within eight years, a debt of $21,955,900, bearing an interest of $1,310,401 $\frac{50}{100}$; it being premised that $6,481,700, part of the said debt, bears an interest of eight per cent., and must be paid the last; and that $950,965 of the debt are already paid out of

the Treasury, but without stopping the interest. If three millions will do, I think we can, with the impost and lands, pay off thirty-eight millions within the eight years 1802–1809. The total amount of unredeemed debt on 1st January, 1802, will be $\$77,866,402\frac{68}{100}$, of which we shall have already remitted to Holland the above-stated sum of $950,965. The reduction, or rather abolition, of internal revenues will necessarily depend on the extent of the navy establishment.

I will give a first reading to-morrow to the sketch of the message, and write some notes; but I cannot pay to it the proper attention till after Tuesday, and will of course return it Monday morning with a wish to see it afterwards once more.

Respectfully, your most obedient servant.

JEFFERSON TO GALLATIN.

November 14, 1801.

Thomas Jefferson asks the favor of Mr. Gallatin to examine the enclosed rough draft of what is proposed for his first communication to Congress; not merely the part relating to finance, but the whole. Several paragraphs are only provisionally drawn, to be altered or omitted according to further information. The whole respecting finance is predicated on a general view of the subject presented according to what I wish, but subject to the particular consultation which Th. J. wishes to have with Mr. Gallatin, and especially to the calculation proposed to be made as to the adequacy of the impost to the support of government and discharge of the public debt, for which Mr. G. is to furnish correct materials for calculation. The part respecting the navy has not yet been opened to the Secretary of the Navy. What belongs to the Departments of State and War is in unison with the ideas of those gentlemen. Th. J. asks the favor of Mr. Gallatin to devote the first moments he can spare to the enclosed, and to make notes on a separate paper, with pencilled references at the passages noted on. Health and happiness.

GALLATIN TO JEFFERSON.

NOTES ON PRESIDENT'S MESSAGE.

November, 1801.

Foreign powers friendly:—Effect. If redress is meant, it seems wrong to raise expectations which probably will be disappointed. *Quere*, whether Mr. King's negotiation should be hinted at.

Indians:—Should not the attempt to treat be mentioned, stating also the determination not to press upon them any disagreeable demand? This to guard against any blame which the imprudence of the Commissioners might occasion.

Tripoli:—More stress might be laid on the protection afforded by the frigates to our vessels which had been long blockaded, and on the imminent peril from which our commerce in the Atlantic was preserved by the timely arrival of our squadron at the moment when the Tripolitans had already reached Gibraltar. *This early, &c.:*—It will be said that the specimen had already been given by Truxton.

Finances. In nearly the same ratio, &c.:—The revenue has increased more than in the same ratio with population: 1st. Because our wealth has increased in a greater ratio than population. 2d. Because the seaports and towns, which consume imported articles much more than the country, have increased in a greater proportion. (See census of New York, Philadelphia, and Baltimore, and compare their increase with that of United States.) The greater increase of wealth is due in part to our natural situation, but principally to our *neutrality* during the war; an evident proof of the advantages of peace notwithstanding the depredations of the belligerent powers.

We may safely calculate on a certain augmentation, and war indeed and unfortunate calamities may change, &c.:—It appears perfectly correct to make our calculations and arrangements without any regard to alterations which might be produced by the possible though improbable event of the United States being involved in a war; but the alteration which may be produced by the restoration of peace in Europe should be taken into consideration. A reduction in the price of our exports would diminish our ability of paying, and therefore of consuming im-

ported articles; and it is perhaps as much as can be hoped for, if, taking an average of six or eight years immediately succeeding the peace, the natural increase of population was sufficient to counterbalance the decrease of consumption arising from that cause. But, supposing these to balance one another, there is still another cause of decrease of *revenue* arising from peace in Europe. Our enormous carrying trade of foreign articles must be diminished by the peace. Having been much disappointed in the correctness of some of the custom-house and Treasury documents on which I depended, I cannot ascertain with precision, but do not think far from the truth the following result, viz.: that from $\frac{1}{8}$ to $\frac{1}{10}$ of our impost revenue is raised on articles not consumed here, but exported without being entitled to drawback, either because they have remained more than one year in the country, or are exported in too small parcels to be entitled, or for any other cause not ascertained. This item of revenue is not perhaps less at present than $1,200,000, and, as it does not rest on consumption, but on an overgrown and accidental commerce, must be deducted from any calculation grounded on the gradual increase of population and consumption. Could we depend only on a continuance of the present revenue from impost, we might at once dispense with all the internal taxes. For the receipts from that source for the year ending 30 June, 1801, were $9,550,500

to which must be added $\frac{7}{16}$ of the additional duties on sugar, and $\frac{1}{12}$ of the additional duties of $2\frac{1}{2}$ per cent. on merchandise which, prior to 30th June, 1800, paid only 10 per cent.; those additional duties, on account of the credit given on duties, operated only in the proportion of $\frac{9}{16}$ on the sugar duty and of $\frac{1}{12}$ on the additional $2\frac{1}{2}$ per cent. for the year ending 30 June, 1801. These $\frac{7}{16}$ and $\frac{1}{12}$ of the respective additional duties are equal to about $520,000

So that the *present* revenue from impost is not less than $10,000,000

But a permanent revenue from impost would be sufficient if amounting to $9,500,000

For, adding to it $250,000 for lands and $50,000 for postage	$300,000
	$9,800,000
and deducting for interest and payment of the debt a yearly sum of	7,200,000
which will pay off about 38 millions (*Quere*, I think $150,000 more a year will be necessary) of the principal in eight years, leaves	$2,600,000
for the expenses of government, which I estimate in the gross as followeth: civil list, 600,000; miscellaneous, 200,000; foreign intercourse, 200,000;	1,000,000
Military; the estimate for this year is 1,120,000; $\frac{3}{5}$ of which, as per proposed reduction, is, say,	672,000
Indian Department, 72,000; fortifications, 120,000; arsenals and armories, 66,000;	258,000
leaving for the navy a sum equal to that for the army:	670,000
	$2,600,000

But, for causes already assigned, I dare not estimate the impost for the eight years 1802–1809 at more than an average of $9,000,000 to $9,250,000. It must, however, be observed that our expenditure of navy and foreign intercourse may be diminished when a general peace takes place.

Now laid before you:—The statements and report of the Secretary of the Treasury are by resolutions and by law respectively laid before Congress by the Secretary. It would be better to say: "which, according to law and the orders of the two Houses, will be laid before you."

Taxes on stamps, &c., may be immediately suppressed:—Although the Executive has a right to recommend the suppression of any one tax, yet in ordinary cases it seems more proper to recommend or suggest generally a reduction of taxes without designating particularly some of them. If the recommendation could be general as to a whole class of taxes, such as all internal taxes, it would not have so much the appearance of what may be attacked as an interference with legislative details.

Economies in civil list:—These may be popular, but I am

confident that no Department is less susceptible of reform; it is by far that in which less abuse has been practised; it exceeds but little the original sum set apart for that object; the reason is, that it being the one to which the people are most attentive, it has been most closely watched, and any increase attempted but with caution and repelled with perseverance. At an early period I examined it critically, and the reductions which might be made appeared so trifling, that the whole time I was in Congress, eager as we all were to propose popular measures and to promote economy, I never proposed, nor do I remember to have seen a single reduction proposed. It seems to me that the subject may be mentioned, but less stress laid on it.

Expenses of foreign intercourse:—The Diplomatic Department forms but a small item of these; the expenses attending the Barbary powers, and principally those which are incurred by *consuls, for ministers and agents*, for prosecution of claims and relief of seamen abroad, deserve particular consideration. If any measure has been taken to check these, it might be mentioned; if the subject has not yet been attended to, I would prefer using the word diplomatic, or foreign ministers, rather than the general words "foreign intercourse."

Navy:—If possible, it would be better to avoid a direct recommendation to continue in actual service a part of it: this subject should, as far as practicable, be treated generally, leaving the Legislature to decide exclusively upon it.

I communicate an account of receipts, &c.; also appropriations: —All those documents prepared and signed by the Register are transmitted on the first week of the session by the Secretary to Congress. By the law constituting the Treasury Department, it is enacted that the Secretary shall lay before Congress or either House such reports, documents, &c., as he may be directed from time to time. Hence the invariable practice has been to call for financial information directly on the Treasury Department, except in the case of loans, where the authority had been given to the President; and for information respecting Army, Navy, or State Department, the application is always to the President, requesting him to direct, &c. The distinction, it is presumable, has been made in order to leave to Congress

a direct power, uncontrolled by the Executive, on financial documents and information as connected with money and revenue subjects. It would at present be much more convenient to follow a different course; if instead of six or seven reports called for by the standing orders of one or the other House I could throw them all into one, to be made to you, it would unite the advantages of simplicity and perspicuity to that of connection with the reports made by the other Departments, as all might then be presented to Congress through you and by you; but I fear that it would be attacked as an attempt to dispense with the orders of the Houses or of Congress if the usual reports were not made in the usual manner to them; and if these are still made, it becomes useless for you to communicate duplicates. But the paragraph may be easily modified by saying, "The accounts, &c., will show, &c." *Quere*, whether this remarkable distinction, which will be found to pervade all the laws relative to the Treasury Department, was not introduced to that extent in order to give to Mr. Hamilton a department independent of every executive control? It may be remembered that he claimed under those laws the right of making reports and proposing reforms, &c., without being called on for the same by Congress. This was a Presidential power, for by the Constitution the President is to call on the Departments for information, and has alone the power of recommending. But in the present case, see the Act supplementary to the Act establishing the Treasury Department, passed in 1800.

Navy-yards:—Too much seems to be said in favor of the navy-yard here. Six appear too many, and the Legislature having heretofore authorized but two, it seems that a stronger recommendation to authorize a reduction of the number might be made, and a suggestion of the propriety of regulating by law to what kind of officers their immediate superintendence should be committed.

Few harbors in the United States offer, &c.:—Is that fact certain? Portsmouth, Philadelphia, and even Boston, are perfectly defensible. But if true, should it be stated in a public speech? Will it not be charged as exposing the nakedness of the land?

Sedition Act:—The idea contained in the last paragraph had

struck me; but to suggest its propriety to the Legislature appears doubtful. Are we sure of a Senatorial majority originally opposed to that law? *Quere*, as to Foster.

Juries:—A recommendation for a law providing an impartial and uniform mode of summoning juries, and taking the power from the marshals and clerks,—from the Judiciary and Executive,—would, if according with the sentiments of the Executive, come with propriety from him.

Progress of opinion, &c.:—Is it perfectly right to touch on that subject? It appears to me more objectionable than the doubtful paragraph relative to compensation to sufferers under Sedition Act.

There is but one subject not mentioned in the message which I feel extremely anxious to see recommended. It is, generally, that Congress should adopt such measures as will effectually guard against misapplication of public moneys; by making specific appropriations whenever practicable; by providing against the application of moneys drawn from the Treasury under an appropriation to any other object or to any greater amount than that for which they have been drawn; by limiting discretionary powers in the application of that money, whether by heads of Department or by any other agents; and by rendering every person who receives public moneys from the Treasury as immediately, promptly, and effectually accountable to the accounting officer (the Comptroller) as practicable. The great characteristic, the flagrant vice, of the late Administration has been total disregard of laws, and application of public moneys by the Departments to objects for which they were not appropriated. Witness Pickering's account; but if you will see a palpable proof and an evidence of the necessity of a remedy, see the Quartermaster-General's account for five hundred thousand dollars in the office of the accountant of the War Department.

GALLATIN TO JEFFERSON.

[Received] 16th November, 1801.

DEAR SIR,—I enclose some hasty remarks on the message.

The incorrectness of the documents of exports of foreign articles compels me, after much labor, to abandon the plan on which I had intended to calculate the impost, and, as the next best, I will prepare one in the following form, which rests on documents on which we may depend, being those of duties and drawbacks actually paid. For each of the ten years ending 31st December, 1800, I will take the quantity of each article paying specific duties, and the value of each class of articles paying distinct duties *ad valorem*, on which duties were secured, deduct from each respective article and class the quantity and value respectively on which drawbacks have been allowed, and take the difference for the quantity and value of each article consumed in the United States. On each of those articles I will calculate the duties at the rate *now* established by law. The result will give you the revenue which would have been collected each year on each article had the duties been the same as at present, and the total divided by ten will show the average revenue of the ten years 1791–1800, at the present rate of duties, and adding to this thirty-three and one-third per cent., the rate of increase of population in ten years as given by the census, the result will be assumed as the probable average revenue of the ten succeeding years 1801–1810, or 1802–1809, these being the eight years to which it is eligible that the calculations should apply. This will be but a rough estimate, and yet I cannot perceive any way, from our documents, to render it more correct, unless it be to subtract, from the total amount assumed as the consumption of the ten years 1791–1800, that part of the importations of 1800 not re-exported in the same year, which will, at first view, appear to be above the roughly estimated consumption of that year.

The great defect of that mode arises from its including the duties on exported articles, which, although not entitled to drawback, made no part of our consumption, and these might have

been deducted had the returns of actual foreign exports been correct and properly distinguished. A deduction at random might be made, but then it would be as well to guess at the whole. Does any idea strike you which might lead to a better mode of making the calculation? Unless we have something precise, we never can with safety recommend a repeal of existing taxes.

Although I could not solve it, I thought that the problem of the annuity necessary to redeem the debt might be solved, because, although there were two unknown data, viz., the annuity and the time of redemption of *one of the* classes of debt (the time of the other class being $8 - t$), yet two equations might be formed, one term of each of which being the annuity, left an equation, with only the time not given. At all events, the approximation you have assumed is not sufficiently correct, for the annuity you fixed would, if I am not mistaken, leave about one million and half unpaid at the end of the eight years.

But the problem is, in fact, more complex than I had stated it, on account of the varieties and peculiar properties of the several kinds of debt, as you will judge by the enclosed statement.

If we cannot with the probable amount of impost and sale of lands pay the debt at the rate proposed and support the establishments on the proposed plans, one of three things must be done: either to continue the internal taxes, or to reduce the expenditure still more, or to discharge the debt with less rapidity. The last recourse, to me, is the most objectionable, not only because I am firmly of opinion that, if the present Administration and Congress do not take the most effective measures for that object, the debt will be entailed on us and the ensuing generations, together with all the systems which support it, and which it supports; but also any sinking fund operating in an increased ratio as it progresses, a very small deduction from an appropriation for that object would make a considerable difference in the ultimate term of redemption, which, provided we can, in some shape, manage the three per cents. without redeeming them at their nominal value, I think may be paid at fourteen or fifteen years.

On the other hand, if this Administration shall not reduce taxes, they never will be permanently reduced. To strike at the root of the evil and avert the danger of increasing taxes, encroaching government, temptations to offensive wars, &c., nothing can be more effectual than a repeal of *all* internal taxes, but let them all go, and not one remain on which sister taxes may be hereafter engrafted. I agree most fully with you that pretended tax-preparations, treasury-preparations, and army-preparations against contingent wars tend only to encourage wars. If the United States shall unavoidably be drawn into a war, the people will submit to any necessary tax, and the system of internal taxation which, *then*, shall be thought best adapted to the then situation of the country may be created, instead of engrafted on the old or present plan; if there shall be no real necessity for them, their abolition by this Administration will most powerfully deter any other from reviving them. A repeal now will attach as much unpopularity to them as the late direct tax has done to that mode of taxation. On those grounds, can I ask what, in your opinion, is the minimum of necessary naval and foreign intercourse expenses, including in these last all those which are under the control of the Department of State?

You will perceive in one of the notes on the message that in giving general results no provision appears for the British treaty, viz., for the £600,000 proposed to be paid in lieu of the 6 Art. This is a temporary demand, which may be met by the four following temporary resources: 1st, the excess of specie in Treasury beyond the necessary sum to be kept there; 2d, the sale of the bank shares belonging to the United States; 3d, the surplus revenue arising from internal taxes beyond the expenses, in case those internal taxes are continued, and, if practicable to discontinue them, one net year of their proceeds which is always due on them, and will be due on the day when they may cease; 4th, the balance of the direct tax due payable after the present year.

You will also see that I lay less stress on savings on the civil list than you do. Some may be made, but the total amount cannot be great. The new judiciary, the commissioners of loans, the mint, the accountants of the Navy and War Departments, seem to be the principal, if not the only, objects of reform. Of

the clerks I cannot yet say much: those of the Comptroller and Auditor are less numerous and paid less in proportion than those of the Register and two accountants. Transcribing and common ones are easily obtained; good book-keepers are also everywhere to be found: it is difficult to obtain faithful examining clerks, on whose correctness and fidelity a just settlement of all the accounts depends, and still more difficult to find men of talent. My best clerk next to the principal, and who had twelve hundred dollars, has left me to take one thousand in Philadelphia. Under the present circumstances of this place, we must calculate on paying higher all the inferior officers, principally clerks, than in Philadelphia. Coming all new in the Administration, the heads of Departments must obtain a perfect knowledge of all the details before they can venture on a reform. The number of independent officers attached to the Treasury renders the task still more arduous for me. I assure you that it will take me twelve months before I can thoroughly understand every detail of all those several offices. Current business and the more general and important duties of the office do not permit to learn the lesser details but incidentally and by degrees. Until I know them all I dare not touch the machine.

The most important reform I can suggest is that of specific appropriations, to which it would be desirable to add, by abolishing the accountants, an immediate payment from the Treasury to the individuals who are to apply the money, and an immediate accounting of those individuals to the Treasury; in short, to place the War and Navy Departments in relation to the expenditures of money on the same footing on which, at Mr. Madison's request, that of State has been placed. Enclosed is a short paper containing the principles I would propose, in which you will perceive that the discretionary powers of those Departments are intended to be checked by legal provisions, and not by transferring any discretion to another Department. What is called "illustration" on that paper is not correct.

The disappointment in the export document will necessarily delay some days the proposed result of import; but I think it will be about nine million two hundred and fifty thousand dollars.

The importance of correctness there renders it more eligible to wait a week longer for a more accurate estimate than to proceed now with what we have obtained. We have yet three weeks till the meeting of Congress. With sincere respect.

[Enclosure.]

OUTLINES FOR SPECIFIC APPROPRIATIONS.

November, 1801.

1. Specific appropriations for each object of a distinct nature, and one to embrace for each Department all contingencies, including therein every *discretionary* expenditure.

2. Each appropriation to refer to a calendar year, and the surplus remaining unexpended after having satisfied the demands on the appropriation for *that* year to be carried to the surplus fund; that is to say, to cease.

3. Warrants to issue on the requisition of the proper Department in favor of the person receiving the same, instead of issuing in the names of either the heads of Department or of the Treasurer of the United States.

4. The accountants to be abolished.

5. The head of each Department to judge, previous to a settlement of accounts, of the propriety of making advances, and to make requisitions accordingly.

6. The head of each Department to judge on a settlement of accounts of the propriety of making allowances of a discretionary nature in every case where discretion is not limited by law or uniform usage; in these last cases the Comptroller to judge.

Illustration.— War Department.

Appropriations for the army for the year 1801 were, including fortifications and fabrication of arms, $1,857,242.04.

Which would be on above plan as followeth:

Pay of army, subsistence and forage of officers,	$488,076.00	to be paid by warrants to	paymaster.
Subsistence,	306,395.00	do.	contractors.
Clothing,	141,530.00	do.	purveyor or contractors.
Ordnance,	100,000.00	do.	superintendents.

Horses for cavalry.		
Bounties and premiums; Indian, medical, hospital, and quartermaster's departments; defensive protection of frontiers, and contingent expenses of the Department,	$864,000.00	to be paid by warrants to agents, quartermaster, purveyor, paymaster, &c.
Purchase of ammunition and fabrication of arms,	400,000.00	to be paid by warrants to contractors, purveyor, superintendent, &c.
Fortification of ports,	57,241.04	to be paid by warrants.
	$1,857,242.04	

on requisition of Secretary of War to the Secretary of the Treasury.

JEFFERSON TO GALLATIN.

November 28, 1801.

Th. J. to Mr. Gallatin.

Your own opinion and that of the Attorney-General are sufficient authorities to me to approve of prosecuting in the case of the schooner Sally. And I will candidly add that my judgment also concurs. The handcuffs and bolts are palpable testimonials of the intention of the voyage, and the concealment of them and their omission in the statement of the cargo, strengthens the proof. The traffic, too, is so odious that no indulgences can be claimed.

GALLATIN TO JOSEPH H. NICHOLSON, M.C.

A MEMORANDUM.

January 19, 1802.

DEAR SIR,—The objects of inquiry for your committee are:

1st. How are moneys drawn out of the Treasury?

2d. How are they expended?

3d. How are they accounted for?

In relation to each object:

1st. What are the checks provided by law?

2d. How have these been adhered to?

3d. Are they sufficient to enforce economy and accountability?

4th. What improvements can be adopted?

You may write me a letter asking generally information on those subjects, or if you prefer a less methodical arrangement and to put more pointed queries, I have written some on the next page, which, I believe, embrace all those objects.

Yours.

Under what checks, founded either on law or usage, are moneys paid out of the Treasury?

To whom are those moneys paid?

Under whose control, and what checks, are moneys drawn out of the Treasury expended by the agents or Departments to whom the same may have been advanced?

What construction has been put on the appropriation laws by the Treasury Department, and by the several agents or Departments to whom moneys are advanced?

Have moneys been always paid by the Treasury and applied by the agents or Departments in conformity to the laws authorizing expenses and making appropriations for the same?

To whom and in what manner are the receivers of public moneys accountable?

In what situation are now the accounts of persons who have received moneys from the Treasury? and where any remain unsettled, what are the causes?

What is particularly the situation of accounts for moneys advanced to the Secretary of State, or to the War and Navy Departments?

Are the checks under which public moneys are expended sufficient to enforce a due application to the objects for which they are advanced?

Can any mode be devised by which more efficient checks, in relation to the public expenditure, shall be adopted, and the

accountability of those who receive moneys from the Treasury be better enforced, without embarrassing the public service?[1]

GALLATIN TO WILLIAM B. GILES, M.C.[2]

TREASURY DEPARTMENT, 13th February, 1802.

SIR,—I have examined in consequence of our conversation the articles of compact which make part of our territorial ordinance. The more I have reflected on the subject, the more forcibly have I been impressed with the importance of making some actual provision which may secure to the United States the proceeds of the sales of the Western lands, so far at least as the same may be necessary to discharge the public debt, for which they are solemnly pledged.

That part of the system of taxation adopted in the North-West Territory which relates to non-resident owners, undoubtedly affects the value of the public lands, and will eventually diminish the amount of sales. Yet, upon due consideration, there is but one provision which, in my opinion, would be inconsistent with the rights of the United States, as secured by the articles of compact. An attempt on the part of the Legislature of the Territory or new State to render lands sold under the laws of Congress, but for which no patent has yet issued, liable to be sold for non-payment of taxes, would interfere with the regulations adopted by Congress for the "primary disposal of the soil;" since, by these, the lands remained mortgaged to the United States until after complete payment of the purchase-money, and in case of failure thereof are directed to be sold.

But it does not appear to me that the United States have a right to annex new conditions, not implied in the articles of compact, limiting the legislative right of taxation of the Territory or

[1] The replies made by Mr. Gallatin to these queries will be found in the American State Papers, vol. vii. (Finance, vol. i.) pp. 755–757.

[2] Chairman of the committee for admitting the North-Western Territory into the Union. This letter is endorsed, in Mr. Gallatin's hand, "Origin of National Road."

new State. The limitations which they may rightfully impose are designated by the articles themselves, and these being unalterable, unless by common consent, all legislative powers which of right pertain to an independent State must be exercised at the discretion of the Legislature of the new State, unless limited by articles, or by the Constitution of the United States or of the new State.

Indeed, the United States have no greater right to annex new limitations than the individual State may have to infringe those of the original compact. And I cannot see that this position can in any degree be altered by the circumstance of admitting into the Union, in pursuance of the express provision of the articles, a State on an earlier day than that on which it must necessarily be admitted. The conditions inserted in the 4th article of compact in relation to that object, and which constitute all that Congress thought, at the time, necessary to reserve in order to secure to the Union their right to the soil, are: 1st, that the Legislatures of the districts or new States shall never interfere with the primary disposal of the soil by Congress; nor with any regulations which Congress may find necessary for securing the title in such soil to the bona fide purchasers; 2d, that no tax shall be imposed on the property of the United States; and, 3d, that in no case shall non-resident proprietors be taxed higher than residents. Farther than that Congress cannot demand, and it is on account of the second provision that the district State Legislature has not a right to tax, or at least to sell for non-payment of taxes, the lands on which, although sold, the United States still retain a lien.

It follows that if it be in a high degree, as I believe it is, the interest of the United States to obtain some further security against an injurious sale, under the Territorial or State laws, of lands sold by them to individuals, justice not less than policy requires that it should be obtained by common consent; and as it is not to be expected that the new State Legislature shall assent to any alteration in their system of taxation which may affect the revenue of the State, unless an equivalent is offered which it may be their interest to accept, I would submit the propriety of inserting in the Act of admission a clause or clauses to that

effect, leaving it altogether optional in the State Convention or Legislature to accept or reject the same.

The equivalent to be offered must be such as shall not affect the value of the pledge which the public creditors now have by the appropriation of the lands, and as shall be fully acceptable to the State, and at the same time prove generally beneficial, either in a political or commercial view, to the Union at large. And it appears to me that the following provision would fully answer those several objects, viz.: that, provided that the Convention or Legislature of the State shall assent that each and every tract of land sold by Congress shall be exempt from any tax raised by or under the authority of the State, whether for State, county, or township, or any other purpose, for the term of ten years from and after the completion of the payment of the purchase-money on such tract to the United States;

The United States shall on their part agree:

1st. That the section No. 16 in every township *sold* or directed to be sold by the United States, shall be granted to the inhabitants of such township for the use of schools.

2d. That the six miles reservation, including the Salt Springs, commonly called the Scioto Salt Springs, shall be granted to the new State in trust for the people thereof, the same to be used under such regulations, terms, and conditions as the Legislature of the said State shall direct, provided that the said Legislature shall never sell nor lease the same for a longer term than
years.

3d. That one-tenth part of the net proceeds of the lands hereafter sold by Congress shall, after deducting all expenses incident to the same, be applied towards laying out and making turnpike or other roads, first from the navigable waters emptying into the Atlantic to the Ohio, and afterwards continued through the new State; such roads to be laid out under the authority of Congress, with the consent of the several States through which the same shall pass. That such conditions instead of diminishing would greatly increase the value of the lands and of the pledge to the public creditors, and that they would be highly beneficial and acceptable to the people of the new State, cannot be doubted. And they are particularly recom-

mended as among the most eligible which may be suggested, from the following considerations:

The provision for schools, exclusively of its intrinsic usefulness, made a part of the former ordinance of Congress for the sale of lands; the grant has actually been made in the sales to the Ohio Company and to J. C. Symmes: and although the ordinance be no longer in force, and such a grant be no part of the articles of compact, yet it has always been at least hoped by the inhabitants of the Territory that it would be generally extended.

The grant of the Scioto Salt Springs will at present be considered as the most valuable, and alone would, most probably, induce a compliance on the part of the new State with the condition proposed by Congress. And if it is considered that at least one-half of the future population of that district will draw their salt from that source, the propriety of preventing the monopoly of that article falling into the hands of any private individual can hardly be disputed.

The tenth part of the proceeds of the lands, as it will be co-extensive with the sales, will continue to be considered as an equivalent until the sales are completed, and after the present grant might have ceased to operate on the minds of the people of the new State. The roads will be as beneficial to the parts of the Atlantic States through which they are to pass, and nearly as much so to a considerable portion of the Union, as to the North-West Territory itself. But a due attention to the particular geographical situation of that Territory and of the adjacent western districts of the Atlantic States, will not fail to impress you strongly with the importance of that provision in a political point of view, so far as it will contribute towards cementing the bonds of the Union between those parts of the United States whose local interests have been considered as most dissimilar.

I have the honor to be, &c.

GALLATIN TO JEFFERSON.

DEPARTMENT OF TREASURY,
[Received] June 18, 1802.

THE Bank of Pennsylvania applies for relief; they fall regularly one hundred thousand dollars per week in debt to the Bank of the United States, on account, as they say, of the deposits on account of government made in the last. For a sketch of their situation, compared with that of the Bank of United States, see the within paper. Their cashier is here, come on purpose for assistance. In addition to the effect of governmental deposits, it is evident that they have extended their discounts too far.

They say that these cannot at once be curtailed without ruining their customers, who consist chiefly of retail shopkeepers. Those for whom the Bank United States discounts are generally importers. There are but three means of affording them relief: 1st, write to Bank United States to spare them; 2d, deposit three hundred thousand dollars with them, or direct collector Philadelphia to deposit part of his public moneys with them; 3d, contract with them for part of Dutch debt, which, as we always pay considerably beforehand, will have the effect of a deposit.

I have proposed the last; but if we cannot agree on terms, should either of the two other modes be adopted?

It is proper to prevent the exclusive monopoly in hands of Bank United States, but it is not proper to displease them, because they place instantly our money where we may want it, from one end of the Union to the other, which is done on the tacit condition of our leaving our deposits with them, and because if we shall be hard run and want money, to them we must apply for a loan.[1]

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[1] See Mr. Jefferson's reply in his Correspondence: Writings, vol. iv. p. 439. June 19, 1802.

JEFFERSON TO GALLATIN.

MONTICELLO, August 8, 1802.

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P.S.—What are the subjects on which the next session of Congress is to be employed? It is not too early to think of it. I know but of two: 1. The militia law. 2. The reformation of the civil list recommended to them at the last meeting, but not taken up through want of time and preparation; that preparation must be made by us. An accurate statement of the original amount and subsequent augmentations or diminutions of the public debt, to be continued annually, is an article on which we have conferred before. A similar statement of the annual expenses of the government for a certain period back, and to be repeated annually, is another wholesome necessity we should impose on ourselves and our successors. Our court calendar should be completed.

GALLATIN TO JEFFERSON.

WASHINGTON, August 9, 1802.

DEAR SIR,—I arrived here last week, and found much business to do, but principally mere details, with which I will not trouble you.

A second report has come to hand in relation to the Delaware piers, recommending Reedy Island in lieu of Marcus Hook. Finding three persons to have been appointed by order of the State of Delaware superintendents to erect piers at New Castle, I wrote to them for information in relation to that spot; and when that shall have been received will forward the whole to you.

The collector of Norfolk, instead of sending the detailed estimate of the repairs necessary for the hospital, transmitted one consisting only of four items, and amounting to near eleven thousand dollars. I wrote him again for details; but finding one of the items for six hundred dollars to be for that wing which is now occupied by the seamen, and which, by the repre-

sentation of the collector, and General Dearborn's statement, was so leaky that the sick were shifted from place to place whenever it rained, I thought those repairs might be immediately authorized without waiting for your official approbation, which I knew, under those circumstances, would not be refused.

I have written to you two official letters, one relating to the appointment of a light-house keeper, the other enclosing a set of regulations for the Mississippi trade. These I wish you would be good enough to examine as soon as convenient, and to return with your approbation or alterations, as I only wait for their return to despatch a circular, after which I will take an excursion to the hills.

I enclose the recommendation for Slade's Creek, the only one which I have received, and, for your recollection, enclose also your letter to me of the 2d ult., as it relates to Jasper. I think Tooly may be appointed. General Dearborn has written to you that Lyman is gone to Europe, and has, I suppose, recommended Cross in his place for Newburyport, and he has also, I presume, written that Warren will not accept Marblehead.

For this last place W. R. Lee recommends Joseph Wilson; his letter I enclose. There are blank commissions left at the Secretary of State's office which will be filled for both places as you may direct. I stopped just in time the commissions for Lyman and Warren and the Comptroller's letters of dismission to Tyng and Gerry. Smith had, however, published in his papers the intended appointments; but that will not prevent the dismissed officers from continuing to act till the successors shall have been appointed. Crowninshield writes from Salem that Lee is an improper appointment; is that well grounded, or mere clannish prejudice? If the first, it is really extremely wrong in our friends to give such erroneous information, for who could be more strongly recommended than Lee? But Crowninshield recommends John Gibault, who to me, by an old personal friend, a clergyman in Salem, had been very strongly recommended, but on hearing the manner in which Lee was spoken of, did not even mention Gibault's name. He would have certainly been better for Salem. C. now recommends him for Gloucester (the only port in Essex left untouched) instead of Tuck, whom he

represents as worse than Tyng. I suppose General Dearborn has written all this, and have mentioned it only in order to say that under present information, and for the purpose of pacifying Salem, I would not think it wrong to appoint Wilson, Cross, and Gibault in lieu of Tyng, Gerry, Tuck, for Newburyport, Marblehead, Gloucester. Lee has got his Salem commission. Had I seen Crowninshield's letter I would also have stopped it (as Lee was willing to take Marblehead), till you had had the whole subject once more before you.

Appearances are stormy at New York; the schism disgusts many Republicans, is fomented by the Federalists. Wood's pamphlet has done and will do no inconsiderable injury. Everything seems placid in Pennsylvania, though the party makes a tolerable ingenious argument out of M.'s appointment. I apprehend we have lost some ground in New Jersey; it is said we have gained in Delaware. I doubt it.

With affection and respect, your obedient servant.

JEFFERSON TO GALLATIN.

MONTICELLO, August 9, 1802.

DEAR SIR,—We have received information that the Emperor of Morocco, having asked, and been refused, passports for two vessels loaded with wheat to go to Tripoli while blockaded by us, has ordered away our consul. This demand of his is so palpably against reason and the usage of nations as to bespeak a settled design of war against us, or a general determination to make common cause with any of the Barbary powers at war with us. I had just written him a friendly letter, to accompany one hundred gun-carriages asked by him of the former Administration; but the state of things is so changed that it will not be proper now to send these. We expect the Boston to return shortly: there will then remain there the Chesapeake, Constellation, and Adams, of which we had thought of recalling one, as two were deemed sufficient for Tripoli. It is now a question whether we should not leave the three there, and whether we

should send another? And a very important question is, what is the nature of the orders which should be given to the commanders of our vessels in the Mediterranean with respect to Morocco? As circumstances look towards war, I have asked the opinions of the heads of Departments on the preceding questions, and will beg the favor of yours by return of post; the General Greene being probably detained to carry our orders, if you will take the trouble of calling at the Navy Office, you can see the letters of Simpson and Morris on this occasion. Accept assurances of my affectionate esteem and respect.

JEFFERSON TO GALLATIN.

MONTICELLO, August 14, 1802.

DEAR SIR,—I have duly considered the regulations concerning the Mississippi trade enclosed in your letter of the 7th, and should have signed them but that a single fact, perhaps unknown to you, renders them impracticable without some alteration. Neither Spain nor France allows any foreign nation to keep a consul in their colonies in time of peace. In consequence of this, our consul at New Orleans has had his functions suspended by the governor, and peremptorily inhibited from the use of them. I think it even doubtful whether they would permit us to have there even an informal agent to exercise any public duty. We are endeavoring by negotiation to have New Orleans considered as so peculiarly situated with respect to us as to require an exemption from their general rule; but even if we obtain it, time will be requisite, and in the mean while some other provision should be made. It would be well, if possible, to make such provisions as could be executed at Fort Adams, and render the touching at New Orleans as indifferent as at any other foreign port. If this be impossible, we may try the substitution of an informal agent at New Orleans; but still some provision should be made for the case of his being disallowed. When you shall have made the necessary alterations I shall be ready to sign them.

With respect to the fifth section, taking from coasting vessels employed in this trade the privilege of carrying any foreign articles, if yourself and Mr. Steele concurred in this, I should be content with it; but if you were of a different opinion, I should join you on the general principle of never imposing a restriction which can be done without.

The newspapers tell us Mr. Clarke is returned to New York or Philadelphia; this will delay Dr. Bache's departure till we can inform him what he is to do there. I am in hopes Mr. Clarke will be able to arrange the details of the plan here, and to give such orders at New Orleans as will begin the establishment, and provide the field for Dr. Bache to act on. Will you be so good as to engage him to do this, and to give the necessary information to Dr. Bache? We have been unfortunate in the delays of this institution. Accept my constant and affectionate esteem.

JEFFERSON TO GALLATIN.

MONTICELLO, August 14, 1802.

DEAR SIR,—In your letter of the 9th instant you propose the following arrangement:

Wilson vice Tyng, Newburyport; Cross vice Gerry, Marblehead; Gibault vice Tuck, Gloucester.

Which I imagine should be thus:

Cross vice Tyng, Newburyport; Wilson vice Gerry, Marblehead; Gibault vice Tuck, Gloucester.

I suppose this, because it is consonant with Lee's letter enclosed by you with General Dearborn's letter, and with what I recollect of former conferences, wherein Cross was placed in competition with Lyman for Newburyport. As Tyng and Gerry are to go out, this arrangement is approved; with respect to Gibault vice Tuck, my only hesitation arises from the proposition being new, and proceeding too, as far as I see, from a single person, Captain Crowninshield. I have been taught to have great confidence in him, yet we all know how frequent it is for the best persons to be warped as to personal character

by views peculiar to themselves, and not agreeing with the general opinion. Of this he furnishes an instance in his opinion of Lee, whose recommendations are from many of the first characters in Massachusetts, and are so strong that could they be doubted, all confidence in any degree of recommendation must be given up. I think too that General Dearborn and Mr. Lincoln both concurred in considering Lee as entitled to our first favors. Still, if General Dearborn and yourself (for I suppose Mr. Smith not to be with you) are satisfied that Tuck ought to be removed on the ground of active opposition to the present government,—that is to say, if the fact be that he is actively opposed,—I approve of that change also, and think if it is to take place, it had better be at the same time with the others. Will you be so good as to communicate this to General Dearborn, as I am pressed in time by other business? The appointment of Henry Tooly to be surveyor at Slade's Creek is approved. Accept assurances of my great esteem and respect.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 16th August, 1802.

DEAR SIR,—I received this morning your letter of the 9th instant on the subject of Morocco and the Barbary powers. The arrangement of the mail between this and Monticello is not favorable, since this answer to yours of the 9th cannot leave Washington before to-morrow evening, 17th. This I regret, as time on such occasions is precious. I will write on the supposition that you have received the account of the engagement of the Boston with the Tunisian flotilla, which, although we have not yet received any confirmation, carries, unfortunately, strong marks of its being true.

Our object must clearly be to put a speedy end to a contest which unavailingly wastes our resources, and which we cannot, for any considerable time, pursue with vigor without relinquishing the accomplishment of the great and beneficial objects we have in view. The most ample powers and orders if practicable

to make peace, and a sufficient force to protect, and at least have time to withdraw, our Mediterranean trade, appear to me necessary. In respect to peace, taking it for granted that the instructions for Tripoli are sufficient, there remain Morocco and Tunis. However contrary to the usage of civilized nations the pretensions of Morocco may be, we cannot decide whether they are considered as unreasonable by a nation not within the pale of civilization, and the conduct of Morocco has certainly been far from unfriendly since our treaty with that country.

That treaty has been till now faithfully adhered to by the Emperor; he has shown no disposition to favor Algiers during our negotiations with that regency, and he even evinced forbearance during his blockade of a rebellious port.

Hence I am not without hopes that he may still be smoothed, and I would at all events send the gun-carriages which had been promised, in order that our negotiator may be able to give them if they shall be useful in bringing on a friendly arrangement; nor do I see any objection to sending the intended letter, properly modified to accord with the present circumstances.

And if Simpson can be fully trusted with a negotiation of that kind, I would also, out of the general Mediterranean appropriation, send twenty or thirty thousand dollars, which may be wanted either there or at Tunis to assist in accommodating differences. As to Tunis, I would not hesitate to promise an indemnity if McNeil shall have been the aggressor; in that supposition it is due in justice to them as much as it would to any other nation under similar circumstances, and to refuse it would be an inducement to Algiers to make a common cause, since there would be no security to any of the Barbary powers, whilst we had a frigate left in the Mediterranean, if we shall countenance an interference of that kind.

As to the force necessary there I feel no hesitation. The Secretary of the Navy had consulted me before I received your letter, and I advised that Captain Morris should be immediately instructed to retain the Boston in case hostilities should have commenced either with Tunis or Morocco, and that the General Greene should be sent with her full complement of men instead of going half manned. Mr. Smith has since informed me that that

frigate, which was originally a merchant vessel, being a bad fighting vessel, he had substituted the New York to her. That change, of which I am no judge, was, I take for granted, necessary; the difference of expense between the two vessels is at the rate of twenty-five thousand dollars a year.

If there is war with Morocco, no less than four frigates are necessary, viz.: two at Tripoli, one at least in the vicinity of the gut to convoy our vessels in and out, and one off Sallee, to protect principally our Madeira and other island trade, if not to blockade effectually that port. I do not know whether Morocco has any other ports from which cruising vessels (not boats) can sail on the Atlantic.

If Tunis is also at war, five frigates will hardly be sufficient, as three frigates could not keep in constant blockade the ports of that regency and Tripoli. If we had two small ships instead of one of our large frigates, they could, I think, be more advantageously disposed; but we have no option, and it is clear that we cannot do less than to provide the five frigates under present circumstances, which will be effected if the Boston is kept and the New York sent; but I much apprehend that if we have to encounter Tunis, Tripoli, and Morocco, we will be compelled to give up the Mediterranean trade and be satisfied with defending the gut. (Under that impression, I sincerely wish you could reconcile it to yourself to empower our negotiators to give, if necessary for peace, an annuity to Tripoli.) I consider it no greater disgrace to pay them than Algiers. And indeed we share the dishonor of paying those barbarians with so many nations as powerful and interested as ourselves, that, in our present situation, I consider it a mere matter of calculation whether the purchase of peace is not cheaper than the expense of a war, which shall not even give us the free use of the Mediterranean trade.

It is also worth considering, that the capture of some of our merchantmen would, at all events, ultimately compel us to pay much more for their redemption than the value of an annual tribute. Eight years hence we shall, I trust, be able to assume a different tone; but our exertions at present consume the seeds of our greatness and retard to an indefinite time the epoch of our strength.

As our present differences with Morocco have taken rise in the war with Tripoli, it is probable that peace with this power would terminate the hostilities with the Emperor. Might not that man's pride be flattered with an intimation either that his offices would not be rejected if he chose to act as mediator, or that a wish to preserve harmony with him contributes in accelerating our endeavors to make a reasonable peace with Tripoli?

The application of the force in the Mediterranean towards Tunis and Morocco, in case of hostilities existing between either of those powers and ourselves, appears to me a matter of course.

The Executive cannot declare war, but if war is made, whether declared by Congress or by the enemy, the conduct must be the same, to protect our vessels, and to fight, take, and destroy the armed vessels of that enemy. The only case which admits of doubt is whether, in case of such war actually existing, we should confine our hostilities to their armed vessels or extend them by capture or blockade to the trade. The policy of adopting either course must depend on the power we may have to injure that commerce. How far are they commercial and liable to be affected by an attack upon that commerce? Something may also depend on the personal disposition of the sovereigns of the two countries. If there is hope of peace by a conciliating conduct, perhaps it might be better, whilst we offer it, to show our favorable disposition by only doing what is strictly self-defence, fighting their cruisers. I presume that in that particular respect some discretion must be left to our commanding officer.

Whatever shall be done, I think that no delay ought to take place. The New York will, it is said, be ready to sail in ten days, say a fortnight. She should not be detained, and the instructions should be sent by her.

I do not know that anything else occurs to my mind. You will, I hope, excuse the incorrectness of these hastily-digested ideas. I have only to add that our Mediterranean appropriation is on account of the twenty-four thousand dollars sent by the Adams to Cathcart, and of the heavy drafts made by Eaton, reduced to forty-four thousand dollars. The thirty thousand

dollars destined for Algiers will be taken from another appropriation made especially for that object.

The naval appropriations will be sufficient to fit the New York, but we will be embarrassed if the Boston shall return before the meeting of Congress. That is, I believe, owing to miscalculation in the estimate of repairs, which, especially for the Constitution, have cost much more than had been estimated.

I remain, with attachment and respect, your obedient servant.

I had forgotten to say that Mr. Smith suggested the idea of joining Morris to Cathcart for the negotiation with Tripoli. That would have been desirable, in order to provide against accidents; and in the instructions which may be sent to treat with Morocco, and conditionally with Tunis, it would not be amiss that two persons should be named, either of whom might act.

GALLATIN TO JEFFERSON.

WASHINGTON, August 20, 1802.

DEAR SIR,—I have received your letter of the 14th inst., in which you justly correct my transposition of Newburyport and Marblehead. General Dearborn approves of Tuck's removal, but as there is no inconvenience in waiting a week longer, and we have been rather unfortunate in selecting individuals who could not or would not accept, I have concluded to wait for your answer to this letter before I would send any of the three commissions to those Essex ports. I have made a report in the case of Head; if you approve, a commission will be filled with the name of such person as General Dearborn will recommend, it being in his own vicinity, and all those commissions may then go together. There is another case which does not admit of delay: it is the collectorship of Petersburg. Heath has received his letter of dismission, and, Mr. Page not accepting, we have no collector; nor is it very clear how far the surveyor, of whom I know nothing, can act if Heath has ceased his functions.

Since my last you will have heard that Morocco has declared

war. By the letters which Robert Smith has shown me, it appears that their force consists, first and principally, of row-boats, which, I understand, never go out of sight of the coast; secondly, of half-galleys at Tetuan, which, as well as Tangier, is within the straits; thirdly, of frigates at Rhabat, the modern name of Sallee, and on the Atlantic. This seems to require three frigates, one to convoy our vessels through the gut, by alternately sailing from Cadiz to Malaga, which will be sufficient protection against the boats; one to blockade Tetuan, without which the half-galleys will sail through the Mediterranean beyond Malaga; and a third to block up Rhabat alias Sallee. I do not know that the Moors have any other ports on the Mediterranean but Tangier and Tetuan; but I am confident that they have some others on the Atlantic, perhaps none north, but at least one south, of Sallee, the same which the Emperor kept blockaded, but the name of which I forget (Magadura, I believe). I mention this to show the necessity of peace; we never had calculated on a war with Morocco, which affects not only our Mediterranean, but also our Madeira and Atlantic trade.

If Tunis has made war, our situation will be still worse; yet, as they are a commercial people, there is less danger. On reading the Morocco treaty, I find that captives are not to be treated as slaves, that an exchange is provided for, and that the balance is to be paid by the losing party at one hundred dollars per head; the whole is arranged like the rules by which gamesters agree to play; and it is presumed that the Emperor wants money.

This, however, must be attended to in the instructions to our officers; we must try to make prisoners; if we win, his Majesty may be disposed to cease playing. If you attend to the latter part of the 3d Article of the same treaty, you will, I think, find the reason which he may allege in support of his pretensions. Yet the doctrine of blockade (which is not made an exception in that treaty to the general rule laid down in the 3d Article) is not unknown to the Emperor, since he has practised upon it; perhaps, however, their understanding was only that no foreign nation had a right to assist rebels. I can add nothing but to repeat my wishes for peace, and express my anxiety that no

delay may take place in the measures adopted at the present moment. Had the instructions to Cathcart arrived before Morocco had declared war, we should be at present at peace with both.

With respect and attachment, your obedient servant.

I wish much to be out of this city at this time, but will wait until the result of your determination in that business is ascertained.

JEFFERSON TO GALLATIN.

MONTICELLO, August 20, 1802.

DEAR SIR,—Your favors of the 16th and 17th were received the last night; the contents of the latter shall now be distinctly noted.

Commissioner of bankruptcy at Poughkeepsie. I have proposed a general arrangement to the Secretary of State which may save the necessity of appointments over the whole face of every State, ninety-nine out of one hundred of which would never be called on to act, and would yet give opportunities of indulging favoritism by enlarging the field of selection. The answer not yet received.

Mr. Nourse's certificate retained for investigation.

The successor to Claud Thomson, collector of Brunswick, Georgia. I will sign the commission when received from you; the papers are returned.

Letters respecting unauthorized advances by our consuls retained, and shall be returned, after a conference with Mr. Madison, by next post.

Surveyor of Portsmouth. I observe Penhallow's recommendation is the effect of solicitation, as is evident by so many signatures to one formula. Langdon and Whipple's opinions in favor of Wentworth, the facts they mention, General Dearborn's preference of him, and yours, as I infer, induce me to prefer him also; I am, therefore, ready to sign the commission. I retain the recommendations.

Wood's commission as register of the land office at Marietta I have signed, and will carry on to be signed by Mr. Madison and forwarded. I retain the recommendation.

Hiller's resignation returned.

Mr. Short will be here in three days. I will consult with him about the books to be bought in Paris.

On Mr. Jones's return I will thank you to think again of the letters in the case of Mr. Short and E. Randolph.

I have not heard from Mr. Page, and should much wonder at his declining the appointment at Petersburg. Should he do so, there can be no question as to the substitute. Dr. Shore's appointment would be more *locally* popular, and very much so generally. He has every right to it.

I have received the address of *two-thirds* of the merchants of Newburyport on the subject of Tyng's removal, and praying a reconsideration. It is impudently malignant. I shall not notice it.

That Louisiana is to be possessed by France is probable; that any man in America has undoubted authority that it will be so I do not think.

The last post brings me the opinions of the Secretaries at War and of the Navy, as well as yours, on our Barbary affairs. I had before asked and received that of the Secretary of State; but as his did not go to all the points arising out of the others, and explanations by letter might lose us a post or two, I shall immediately on closing my mail for this day's post set out to Mr. Madison's, so that the next post shall carry definitive arrangements to Washington, where it will arrive on Tuesday (24th) at 8 P.M. The movements of our post do not seem to be understood with you: they are as follows:

Fridays and Tuesdays, at 7 P.M. leaves Washington. Sundays and Thursdays, at noon arrives at Milton. Mondays and Fridays, at 1 P.M. leaves Milton. Tuesdays and Saturdays, at 8 P.M. arrives at Washington. Accept assurances of my affectionate esteem and respect.

JEFFERSON TO GALLATIN.

MONTICELLO, August 23, 1802.

DEAR SIR,—Your three letters of August 18, 19, and 20 are received. I now return you the Mississippi regulations signed. I should think the modification you propose, of inserting "vice-consul or other authorized agent," a necessary one. It appears proper to remove Head, of Waldoborough, as his failure, after such warning, to render his accounts is a sure symptom that he is using the public money, and I shall be ready to sign a commission for anybody recommended by General Dearborn. I have never heard a word from Mr. Page of his non-acceptance, nor, I imagine, have you, as you do not say so. The fact is too much to be apprehended from his letters to Dr. Tucker, mentioned by you. Should he decline, I believe there can be no competition with Dr. John Shore for the office, for whom, therefore, a commission may be made out; there has been a time when he would have accepted it, and I am in hopes he will now.

I had written yesterday to Mr. Smith, after a conference with Mr. Madison on the measures to be pursued with respect to the Barbary powers in the state of things as supposed to exist at the date of your letter of August 16. The receipt of another letter from him, after mine of yesterday had gone to the post-office, informs me of the declaration of war by the Emperor of Morocco. I have this day written a second letter to Mr. Smith, making the alterations in the former, which are rendered necessary by this circumstance, and particularly approving of his proposition to send another frigate in addition to the New York. But for particulars I must refer you to those letters, which I have asked him to communicate to yourself and General Dearborn. I wish much to hear that you have left the Federal city, as I think the danger of remaining there great in this season; nothing else would prevent my going there now, as the transaction of the public business here is infinitely more laborious than it would be there, and leaves it in my power to be of little use to my private matters. Accept assurances of my affectionate esteem and respect.

JEFFERSON TO GALLATIN.

MONTICELLO, August 30, 1802.

DEAR SIR,—Yours of the 27th was received yesterday; mine of the 20th had informed you that I approved of Mr. Wentworth on the recommendations of Messrs. Langdon and Whipple, and that of the 24th gave you the name of John Shore as successor to Heath; but I write by this post to Mr. Madison to order his commission to be filled up and forwarded. I must take time to inquire for a good successor for Reynolds. The commission for Bloodgood for Albany is approved, the application for it left to yourself, as you are on the spot. I enclose for your perusal a petition from the merchants of Marblehead in favor of Gerry; before receiving it I had written to his brother that a second appointment had rendered it impossible to do anything, which is my view of the case; return the petition if you please. I enclose you a letter from Maury and Hampton, giving reason to apprehend an attempt at smuggling some French negroes into our country; although this will, of course, be met by the several State authorities, yet I think it would be proper and indeed incumbent on us that you should write a circular letter to the custom-house officers to be on the alert to detect and prevent such an attempt to smuggle in these unfortunate creatures. I sincerely lament your stay at Washington, and fear that even if you have been able to leave it, it is only to carry the seeds of serious illness elsewhere. Long experience and observation have taught me to fly the tide-water in August and September; no other considerations would keep me from Washington in the present state of affairs, but I know that to go there to transact them would shortly put it out of my power to transact them at all. I hope my bodings of your situation will prove false, and that this, though directed, as you desire, to Washington, will find you at New York in health. Accept my affectionate esteem and respect.

JEFFERSON TO GALLATIN.

MONTICELLO, September 8, 1802.

DEAR SIR,—I have received from Delaware another application on the subject of the piers, &c., to be erected in their river. It is on behalf of Wilmington, which prays to have its claim for these things taken into consideration with others, and for this purpose that the corporation be authorized to have a report made of their harbor, creek, &c. The style of the corporation is the Burgesses and Assistants of the Borough of Wilmington. I suppose it proper to hear all claims on this subject and adopt what is best. The date of the letter to me is of August 25, and, as you have passed through Wilmington since, possibly you may have received the same application and taken order in it.

On receiving authentic information that the Emperor of Morocco had recalled our consul and allowed six months for explanation, I have countermanded the sailing of the John Adams. Information from Tunis gives us to believe that that power was in perfect good dispositions towards us. We hear nothing authentic of the affair of the Boston, but hope, if true, it will not occasion a breach. Tunis is soliciting a peace for Tripoli, by authority from its Bey, so that I trust all will be smoothed in that quarter; a little money must be given to Morocco. Accept my friendly salutations and respect.

GALLATIN TO JEFFERSON.

NEW YORK, 9th September, 1802.

DEAR SIR,—I have been here four days, and have felt the effects of my late stay in Washington; I am now recovered, but lament that the situation of that place should be an impediment to that constant superintendence which is so essentially necessary in the Treasury Department. On the 20th instant I intend

leaving this place with my family, and expect to be at the seat of government before the end of the month.

In my own Department I have nothing of any importance to communicate. The commissions to Cross and to Wilson for Newburyport and Marblehead have been forwarded. Mr. Brent, of the Department of State, has been instructed to forward that to John Shore for Petersburg. That for Gibault vice Tuck for Gloucester I have enclosed in a private letter to Captain Crowninshield, with a request that he should make positive inquiries as to the propriety of the appointment and removal, and the certainty of Gibault accepting, and, in case of any impediment, that he should return the new commission to me to be cancelled, and keep the matter, in that case, in silence. I have yet no information for Oswego and Brunswick (Georgia), and wait for your instructions in relation to Yorktown (Virginia). When I transmitted the recommendation for Wentworth as surveyor of Portsmouth (New Hampshire), I also sent letters from Messrs. Whipple and Langdon making recommendations for master and mate of the revenue cutter there. The cutter is ready, and the commissions, which are ready signed and in my possession, should be transmitted. Will you be pleased to signify your approbation, and to send me the names and Christian names of the two persons recommended, as I have preserved no copy?

I was sorry to find that you had approved the sending of another frigate (the John Adams), as I do not believe that it was necessary, and the appropriations for that object were exhausted. In recommending the sending the New York, I went as far as those appropriations would permit, and did not know that application had been made to you for another until after it was done and the mail closed. Edward Livingston has not yet rendered his account of bonds put in suit, and is gone to Virginia; I continue very uneasy on that account.

I wrote to Colonel Lee, the new collector of Salem, who had recommended Wilson as successor of Gerry, and whose name (Wilson) appears to the petition in favor of Gerry, that his removal was indispensable. The petition is returned.

I enclose a letter from Colonel Hay, of Vermont, but have

informed his friends here that the French would not admit any consuls in their West India colonies.

I am, with great respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

MONTICELLO, September 18, 1802.

DEAR SIR,—On learning the death of Wm. Reynolds, collector of York, and that Mr. Griffin, his deputy, would not act at all, I made immediate inquiries for a proper successor, and learn that William Carey, of the same place, is the best person we can appoint. I this day desire Mr. Madison to order a commission. I have done this because of the urgency of the case, of your distance, and my presence on the spot.

I have always forgotten to ask of you a general idea of the effect of the peace on our revenues so far as we have gone. It is of the utmost importance, if these diminish, to diminish our expenses; this may be done in the Naval Department. I wish it were possible to increase the impost on any articles affecting the rich chiefly, to the amount of the sugar tax, so that we might relinquish that at the next session. But this must depend on our receipts keeping up. As to the tea and coffee tax, the people do not regard it. The next tax which an increase of revenue should enable us to suppress should be the salt tax, perhaps; indeed, the production of that article at home is already undermining that tax.

I have desired the offices to forward me nothing to this place after the mail which leaves Washington on the 24th instant. Accept my affectionate salutations.

JEFFERSON TO GALLATIN.

MONTICELLO, September 17, 1802.

DEAR SIR,—Yours of the 9th came to hand yesterday only, so that it has missed a post somewhere. I thought that in my

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letter of August 20, answering yours of August 17, I had answered every point distinctly; but I find on recurring to it that the recommendations of Messrs. Langdon and Whipple for Hoply Yeaton to be master and Benjamin Gunnison first mate of the revenue cutter in New Hampshire, though intended to have been approved, were omitted. I now approve of them.

Mine of the 8th will have informed you that I had countermanded the sailing of the John Adams on an invitation of the Emperor of Morocco to Simpson to remain. But I have yesterday received a letter from Mr. R. Smith strongly dissuading that countermand and pressing for her departure. I do not answer finally by this post, because Mr. Madison is to be with me to-morrow, and we will consider the subject on yours and Mr. Smith's letters. I had thought the thing so plain on general grounds that I had asked no advice on it, but I have now written to General Dearborn for his opinion. I confess I see no argument for six frigates which does not go to twelve.

I shall be at Washington on the last day of this, or first of the next month.

Accept my affectionate salutations and respect.

JEFFERSON TO GALLATIN.

MONTICELLO, September 20, 1802.

DEAR SIR,—In my last I informed you I should have an opportunity of getting Mr. Madison's opinion on the expediency of the sailing of the John Adams. I have done so, communicating to him yours and Mr. Smith's letters on the subject. The latter having informed us that two months' pay were already advanced to the men, and her stores provided, the consideration of a defective appropriation was already got over, and we were committed in it, and the remaining expenses of the voyage were thought so small as to be overweighed by the advantages which may result from her going; to this opinion I have acceded, though not with entire satisfaction, I confess; perhaps I build too much on the expectation of a state of peace with Morocco

and Tunis; perhaps I see too strongly the embarrassment of the defective appropriation. Would it be possible to put the extra advances on the footing of a debt incurred, the arrearages of which might be covered by a future appropriation? Should the John Adams find us at peace with all the Barbary powers except Tripoli, I have referred to Mr. Smith to recall all the frigates, except two, before winter, or to let the question lie till we get together. I expect to set out for Washington this day sennight, and to be there on the last day of the month; but I may be one, two, or three days later. Mr. Madison will not be there so soon.

Accept my affectionate salutations.

GALLATIN TO JEFFERSON.

New York, September 21, 1802.

Dear Sir,—I intend leaving this city this evening, and expect to meet you at Washington the last of this month. As I take my family along, we will travel but slowly.

I should suppose that your intention to countermand the sailing of the Adams came too late; both ships, indeed, were prepared for sea in a much shorter time than would have been expected.

Your letter informing of the favorable aspect in the Mediterranean gave me true satisfaction; it will enable us to diminish our naval expenditures, but to what extent must be left to a future discussion, and will rest on the prospect of our revenue. Of this it is very difficult to form, as yet, a correct idea; it has diminished, and, in my opinion, will experience a greater decrease next year; but our data are not sufficient to draw positive inferences. Before the meeting of Congress we will have a comparative view of imports and exports for the year ending 30th of this month, which will give us, on the whole, the best account we can prepare.

I can ascertain with precision how much the importation has diminished; but although we can have also an account of exports for the same period, the greatest part of them arises from the

importations of the preceding year, and the difficulty lies in judging of the quantity of the importations destined for exportation, and which will be exported generally next year. Upon the whole, all I can yet say is that we cannot think for this year of giving up any taxes, and that we must reduce our expenses (naval, military, and foreign) to the estimates we had made, and on which rested the propriety of the repeal of the internal taxes.

Mr. Christie, late member of Congress for Maryland, has just arrived from London, and brought despatches from Mr. King, which he put in the post-office; also the ratification of the convention. Mr. King told him he intended asking to be recalled next year.

I enclose a letter from Mr. Symmes. How shall we ascertain the true conduct of Governor St. Clair? Nothing of the decision in his case has been communicated to the parties. This will not be considered by them as perfectly just.

My health is not yet perfectly good. I hope travelling and the winter will restore it; but I must do as much work in the same time as I did last fall.

Hoping to have soon the pleasure of seeing you, I remain, with sincere respect and attachment, your obedient servant.

Mr. Burr has communicated to me a letter which he wrote to Governor Bloomfield, in which he makes an explicit denial of the charges and assertions of his having either intrigued with the Federal party or in any other way attempted during the late election or balloting to counteract your election. That transaction—I mean the attack on Mr. B. by Cheetham—has deeply injured the Republican cause in this State.

JEFFERSON TO GALLATIN.

October 7, 1802.

Th. J. to Mr. Gallatin.

The application of the Bank of Baltimore is of great importance. The consideration is very weighty that it is held by

citizens, while the stock of the United States Bank is held in so great a proportion by foreigners. Were the Bank of the United States to swallow up the others and monopolize the whole banking business of the United States, which the demands we furnish them with tend shortly to favor, we might, on a misunderstanding with a foreign power, be immensely embarrassed by any disaffection in that bank. It is certainly for the public good to keep all the banks competitors for our favors by a judicious distribution of them, and thus to engage the individuals who belong to them in the support of the reformed order of things, or at least in an acquiescence under it. I suppose that on the condition of participating in the deposits the banks would be willing to make such communications of their operations and the state of their affairs as might satisfy the Secretary of the Treasury of their stability. It is recommended to Mr. Gallatin to leave such an opening in his answer to this letter, as to leave us free to do hereafter what shall be advisable on a broad view of all the banks in the different parts of the Union.

P.S.—If your information as to the intemperance of Thomson be not completely satisfactory, a Mr. Sibbald, of that State, of whom I made some inquiry, says he can procure good information from a person in town.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY, October 26, 1802.

DEAR SIR,—I returned Mr. Dupont's letter. We do not pay in Europe any part of the interest on our domestic debt, which is that alluded to by him as partly held by French stockholders. The Bank of the United States, for a majority of the foreign stockholders who have made that institution their attorneys, and the special attorneys of the others, remit the quarterly interest to England and Holland, where the stockholders have wished it to be paid. If the French stockholders will make Mr. Dupont's house their agents, the business may

be transacted by him as he wishes; but we have nothing to do with it. His error arises from his having supposed that the remittances for domestic interest to Holland were made by government; it is only the interest and principal of our foreign debt which government remits, and that is exclusively held in Holland.

On the subject of the Comptroller, on which I feel much interested, I have made up my opinion, after a fuller examination of his duties than I had yet bestowed on it, that a certain degree of legal knowledge is the most essential qualification. As it is difficult to find any one man in whom the several requisites are united, it would be preferable to obtain a sound lawyer, or at least a man of perfectly sound judgment and possessed of legal information (who had at least read law), and who had only a general idea of accounts, than a perfect accountant without law knowledge. Not only the general nature of the duties of that office leads me to that conclusion, but it is also impressed with considerable force by the consideration that I am not a lawyer. The law questions which arise in the Treasury (exclusively of those relating to the settlement of accounts) are numerous: during the Comptroller's absence, nearly one-half of my time is occupied by questions directed to me by collectors and which I would refer to him if he was present, or directed to him and which his clerks refer to me during his absence. If we have a Comptroller who is not a lawyer, it will considerably increase my labor, or rather prevent its being applied in the most proper manner, and the business will not be so well done, as I will be compelled to decide on a much greater number of law questions.

The other two important requisites for a Comptroller are that he should possess method and great industry: without the first the last would be of no avail, and to fill well his duties he cannot be too laborious. Another essential point is that he should write, if not with elegance, at least with precision and great facility, for his correspondence is very extensive, and consists principally of decisions, instructions, and explanations. I cannot write even a decent letter without great labor; and that is another reason why I desire that the Comptroller may be able

to write himself; for the duties of the two offices are so blended in what relates to the collection of the impost, that a great part of the correspondence with collectors may fall either on the one or the other, as may be agreed on between them.

But I repeat, that legal knowledge and a sound judgment are the most important qualifications. Who will answer the description I do not know, unless we had a personal knowledge of men: I am afraid of the eastward, both on account of their species of law knowledge, on which I could not, generally speaking, place much greater confidence than on my own judgment, and because their style of writing is not as classical and correct as it ought to be. Mr. Madison has mentioned Judge Duval, of whom I never heard anything but favorable, but whom I do not sufficiently know justly to appreciate his rate. Who was that comptroller of New York whom De Witt Clinton once proposed for naval officer, intending that Bailey should have his office? He spoke highly of him; but I recollect neither his name nor profession. I enclose two recommendations for Mr. Kuhn, also a letter from Worthington which induces a belief that politics are settling the right way in the North-West Territory.

With sincere respect and attachment, your obedient servant.

Impost for last quarter:—Payments in Treasury, about three million four hundred thousand dollars, or 200,000 dollars more than in any preceding quarter. See the enclosed.

GALLATIN TO JEFFERSON.

NOTES ON PRESIDENT'S MESSAGE.

[December, 1802.]

DEAR SIR,—I hope that your Administration will afford but few materials to historians; and we have already a favorable symptom, in the difficulty under which we are to collect materials for a message. The things you want to be done are very few, and seem confined to the following points:

1st. *Countervailing duties, if necessary.*—To this there can be no objection; but might not the advantage resulting from a mutual abolition of duties between Great Britain and America be placed on more positive ground than the shape in which it stands, "whether this would produce a due equality is a subject," &c., and does not the conduct of Great Britain on that occasion deserve a freer style of approbation?

2d. *Foreign seamen deserting.*—I had rather omit this altogether. It does not seem of sufficient importance: the authority, though derived from the general commercial power vested in Congress, may be considered as rather constructive than positive: its exercise will be unpopular as was that given to the French by the treaty, and which was accordingly defeated, whenever practicable, by placing the most rigid literal construction on the article of the treaty. See case of Captain Barré of the Perdrix, Dallas's Reports.

3d. *Naval estimates.*—Under which head three objects seem to be recommended:

1st. A conditional authority in the Executive to increase the force.

2d. Purchase or building small vessels. Both of which are unexceptionable.

3d. Authority for our vessels to act offensively in case of war declared or waged by other Barbary powers. I do not and never did believe that it was necessary to obtain a legislative sanction in the last case: whenever war does exist, whether by the declaration of the United States or by the declaration or act of a foreign nation, I think that the Executive has a right, and is in duty bound, to apply the public force which he may have the means legally to employ, in the most effective manner to annoy the enemy. If the instructions given in May or June, 1801, by the Navy Department to the commander of the Mediterranean squadron shall be examined, it will be found that they were drawn in conformity to that doctrine; and that was the result of a long Cabinet discussion on that very ground. It is true that the message of last year adopted a different construction of the Constitution; but how that took place I do not recollect. The instructions given to the commanders to release the crews

of captured vessels were merely because we did not know what to do with them; and there was some hesitation whether the instructions should not be to give them up to the Neapolitans. What have been the instructions given in relation to Morocco, in case war had been found to exist?

4th. *Dry-dock.*—I am *in toto* against this recommendation: 1st, because so long as the Mediterranean war lasts we will not have any money to spare for the navy; and, 2d, because if dry-docks are necessary, so long as we have six navy-yards, it seems to me that a general recommendation would be sufficient, leaving the Legislature free either to designate the place or to trust the Executive with the selection. It is highly probable that Congress will adopt the last mode if the recommendation is general, and that they will designate another place if this shall be specially recommended. At all events, I would strike out the word "singular" preceding "advantage," and modify the expressions of the whole paragraph, so as to prevent any possible attack on the ground of partiality to the city. The moment the Potomack is mentioned, political enemies, and the enemies of this place, will unite in representing the plan of a dry-dock as proposed for the purpose of obtaining a navigable canal from that river to the Eastern branch. *Quere*, by the by, whether the charter of the Potomack Company would permit taking water above the little falls?

5th. *Seamen discharged abroad.*—Should not the recommendation to legislate be more strongly expressed, and the fact of the expense having been partly defrayed from the contingent fund simply stated? omitting the words "thought to come," &c., which seem to imply doubt.

6th. *Settlement of the Mississippi Territory*, instead of being connected only with the Choctaw boundary, depends almost entirely on the Georgia cession and legislative ratification, which, being now binding on Congress, positively enjoins the opening of a land office for the purpose of raising the money due to Georgia; this, perhaps, will preclude the idea of a settlement condition; but, after having read over the articles of agreement with that State, the President will probably be induced to remodel that part of the message. Some notice may be taken of

the provision contemplated for satisfying former claims; also for quieting settlers under Spanish titles posterior to the treaty of 1795. We expect on that subject communications from Governor Claiborne, to whom the commissioners have written officially.

7th. *Militia Law* seems almost a matter of course. What are the defects of the present system? and could any specific improvement be recommended? I think that the important point is to provide that the Middle and Southern States militia should have arms as well as the Eastern. Shall it be done by the public purchasing the arms and selling them, or by rendering it penal, as well to attend without arms, as not to attend on review days?

8th. *Missouri* seems, as it contemplates an expedition out of our own territory, to be a proper object for a confidential message. I feel warmly interested in this plan, and will suggest the propriety that General Dearborn should write immediately to procure "Vancouver's Survey," one copy of which, the only one I believe in America, is advertised by F. Nichols, No. 70 Chestnut Street, Philadelphia. Price, with all the charts, fifty-five dollars.

The other parts of the message are only statements of facts, on which (except in relation to finances) only two points have struck me: 1st. *Louisiana*, which might perhaps be reserved for the confidential message; but if left in this, I had rather place the taking possession by the French on hypothetical grounds, saying after the word "war," "will, if it shall be carried into effect, make a change," &c.; but this being the most delicate part of the speech will, I presume, be the subject of a Cabinet consultation. 2d. *Indians*, who, it seems to me, occupy too much space in the message in proportion to the importance of the subject.

The Wabash Salt Springs might be omitted; it is a topic which awakens the objections to the salt tax. On the other hand, it might be well once more to remind Congress that the trading-houses law will expire on the 4th of March.

Is not the admission of the new State in the Union a subject of sufficient importance to be inserted in the message if official information be received?

FINANCES.

1st. *Ratio of increase greater than any former year.*—Probable, but not certain.

2d. Only four and a half million dollars in Treasury on 30th September, 1802.

3d. *To pay from the Treasury,*—say within one year,—or perhaps add those words after the words "five millions of principal."

4th. *To expenses contemplated in Treasury statement, &c.*—The expenses then contemplated were those then authorized by law before the reduction of establishments, and before the repeal of the internal duties; it should be, "contemplated last year by Congress."

5th. *Reduce offices, &c.*—I doubt the propriety of repeating this year this admonition. Mint, Commissioner of Loans, and Marines are the only possible objects. Others to as great an amount will probably soon take place.

6th. *I have already discontinued, &c.*—Whenever the collection was closed, the offices have ceased by law, without any act of the President. It would be better to speak in general terms, saying that some of the offices, &c., have already been discontinued, in others they will, &c., but in a few, &c.

7th. *We have had no occasion, &c.*—I had rather say, "It has not yet been thought necessary," &c.

8th. *Shall be faithfully applied.*—I would like the introduction of the words, "in conformity to the provision of the law of last session," or any other allusion to that law showing in a striking point of view the Federal misrepresentation of that law.

9th. The statement to be made by the Commissioners of the Sinking Fund is directed to be made annually *by law.* Two of that board, the Vice-President and Chief Justice, are officers independent of the President. Perhaps the President should not say that such statement will be laid before Congress.

10th. *Estimates.*—The war estimate, spoken of in another part of the message, makes part of the general estimates for the year, and they are always sent all together, civil, foreign intercourse, military, naval, and miscellaneous. The other part of

the message says that the *military estimate* is *now* laid before Congress, which is not correct.

Note.—Under that head, "War estimate," one item has been introduced which requires a specific authority, viz., twenty thousand dollars for holding treaties.

I enclose a rough sketch of the expenses and receipts for the year ending 30th September, 1802. It is not yet correct, for want of some accounts, which will be obtained within eight or ten days, but it is sufficiently so for any general conclusions.

The President's directions to make free remarks have been very freely followed.

As to style I am a bad judge, but I do not like, in the first paragraph, the idea of limiting the quantum of thankfulness due to the Supreme Being; and there is also, it seems, too much said of the Indians in the enumeration of our blessings in the next sentence.

With sincere respect and attachment, your obedient servant.

MR. GALLATIN TO MR. MADISON.[1]

DEAR SIR,—I send the letter, which is longer than I expected, and of which I have no copy. I will therefore want it sent again to me when you shall have done with it, in order that I may transcribe it.

The classes of American citizens in whose favor we should assume payment of French debts seem to be,—

1st. Those whose property shall have been taken in Europe or the West Indies, or elsewhere, by or under the authority of the French government, without the consent of the parties.

2dly. Those who shall have made contracts for supplies with the government.

3dly. Those captured at sea, whom the French government may think proper to admit to have been illegally captured. If there is any danger that those captures, which should have been restored by virtue of the convention (not being ultimately condemned), shall not be paid for, they should, of course, be placed

[1] Endorsed by Mr. Madison, "Hints on Mr. Monroe's negotiation."

in the first rank. Debts due to American citizens who were agents of the French government should be expressly excepted,—Swan, for instance.

Perhaps the French government may insist on our paying Beaumarchais, as they have interested themselves in his favor. *Quere*, whether that should be agreed on?

If West Florida can alone be purchased, it is certainly worth attending to; but in that case making the river Iberville the boundary, as it was made in the treaty of 1762, between France and England, the article should be so worded as to give us the whole channel of that river, or, at least, to permit us to open it, so as to render it navigable in all seasons. At present the bed is thirty feet above low-water mark for fifteen miles from the Mississippi to Amite River, but I have no doubt that a very small opening would be widened and deepened afterwards by the river. There is no obstruction, the whole being level, and mud or sand. But supposing even a portage there, the advantage of American houses settled in an American port would soon give a preference over New Orleans to that port. The seaport may be perhaps on the main between Pearl and Pascagoula Rivers, but certainly on that island called "Ship Island," as through the passage between that and the next island there are more than twenty feet water, and good anchorage close to the shore which faces the main. A frigate of thirty-six guns was seen there by E. Jones (the first clerk in my office, who is brother of our late consul at New Orleans, and lived ten years with him in West Florida), and it is the reason of its bearing that name. Judge Bay says that there is another island, called Deer Island, close to the entrance of Lake Pontchartrain, which affords the same advantages. That Jones disbelieves, but the other is certain; and as it is about half-way between Mobile and the lake, as the whole navigation between those two places is locked in by the islands, and safe even for open boats and canoes, that island would become the proper seaport for both rivers, Mississippi and Mobile; for you can bring but nine feet up Mobile Bay, seven feet over the bar of Lake Pontchartrain, and fifteen over the bar at the mouth of the Mississippi. It results from all that, that the possession of West Florida, even without New Orleans Island, is extremely

important, and that if it can be obtained, it ought expressly to include all the islands within twenty leagues, or such distance as to include those which are marked on the map.

Please to send me the paper which I gave you yesterday.

Yours.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY, January 18, 1803.

DEAR SIR,—You have not returned any answer in the case of Colonel Worthington's resignation. He recommends Jesse Spencer, of Chillicothe, as a proper successor for the place of register of the land office.

I enclose a recommendation for keeper of the light-house at Old Point Comfort.

The enclosed letter from the collector of Michilimackinac (which you will be good enough to return) deserves consideration. It will not do to run the risk of an Indian war, and yet if it shall be once known that we dare not enforce the collection law, it will be perpetually evaded. Perhaps the best mode will be at first to confine the operation of the law to Michilimackinac and the entrance of Lake Michigan, which commands the whole trade to the Indians south of the lake and to the Mississippi and Missouri countries, and not to attempt doing anything at the Falls and Strait of St. Mary, which forms the entrance into Lake Superior, until it shall be found convenient to have a military post there, at which time a surveyor of the revenue may also be appointed, and the law carried into effect, as I believe, without difficulty. It must be, however, observed that, there being no positive reservation or grant to the United States along the Strait of St. Mary or anywhere in Lake Superior, made by the Indians in the Greenville Treaty, they may object to the establishment of either a military post or a revenue officer.

I have read Mr. Lincoln's observations, and cannot distinguish the difference between a power to acquire territory for the United States and the power to extend by treaty the territory of the United States; yet he contends that the first is uncon-

stitutional, supposes that we may acquire East Louisiana and West Florida by annexing them to the Mississippi Territory. Nor do I think his other idea, that of annexation to a State, that, for instance, of East Florida to Georgia, as proposed by him, to stand on a better foundation. If the acquisition of territory is not warranted by the Constitution, it is not more legal to acquire for one State than for the United States; if the Legislature and Executive established by the Constitution are not the proper organs for the acquirement of new territory for the use of the Union, still less can they be so for the acquirement of new territory for the use of one State; if they have no power to acquire territory, it is because the Constitution has confined its views to the then existing territory of the Union, and *that* excludes a possibility of enlargement of one State as well as that of territory common to the United States. As to the danger resulting from the exercise of such power, it is as great on his plan as on the other. What could, on his construction, prevent the President and the Senate by treaty annexing Cuba to Massachusetts, or Bengal to Rhode Island, if ever the acquirement of colonies shall become a favorite object with governments, and colonies shall be acquired?

But does any constitutional objection really exist?

The 3d Section of the 4th Article of the Constitution provides:

1st. That new States may be admitted by Congress into this Union.

2d. That Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Mr. Lincoln, in order to support his objections, is compelled to suppose, 1st, that the new States therein alluded to must be carved either out of other States, or out of the territory belonging to the United States; and, 2d, that the power given to Congress of making regulations respecting the territory belonging to the United States is expressly confined to the territory *then* belonging to the Union.

A general and perhaps sufficient answer is that the whole rests on a supposition, there being no words in the section which confine the authority given to Congress to those specific objects;

whilst, on the contrary, the existence of the United States as a nation presupposes the power enjoyed by every nation of extending their territory by treaties, and the general power given to the President and Senate of making treaties designates the organs through which the acquisition may be made, whilst this section provides the proper authority (viz., Congress) for either admitting in the Union or governing as subjects the territory thus acquired. It may be further observed in relation to the power of admitting new States in the Union, that this section was substituted to the 11th Article of Confederation, which was in these words: "Canada acceding, &c., shall be admitted into, &c., but no other colony shall be admitted into the same, unless such admission be agreed to by nine (9) States." As the power was there explicitly given to nine (9) States, and as all the other powers given in the Articles of Confederation to nine (9) States were by the Constitution transferred to Congress, there is no reason to believe, as the words relative to the power of admission are, in the Constitution, general, that it was not the true intention of that Constitution to give the power generally and without restriction.

As to the other clause, that which gives the power of governing the territory of the United States, the limited construction of Mr. Lincoln is still less tenable; for if that power is limited to the territory belonging to the United States at the time when the Constitution was adopted, it would have precluded the United States from governing any territory acquired, since the adoption of the Constitution, by cession of one of the States, which, however, has been done in the case of the cessions of North Carolina and Georgia; and, as the words "other property" follow, and must be embraced by the same construction which will apply to the territory, it would result from Mr. L.'s opinion, that the United States could not, after the Constitution, either acquire or dispose of any personal property. To me it would appear:

1st. That the United States as a nation have an inherent right to acquire territory.

2d. That whenever that acquisition is by treaty, the same constituted authorities in whom the treaty-making power is vested have a constitutional right to sanction the acquisition.

3d. That whenever the territory has been acquired, Congress have the power either of admitting into the Union as a new State, or of annexing to a State with the consent of that State, or of making regulations for the government of such territory.

The only possible objection must be derived from the 12th Amendment, which declares that powers not delegated to the United States, nor prohibited by it to the States, are reserved to the States or to the people. As the States are expressly prohibited from making treaties, it is evident that, if the power of acquiring territory by treaty is not considered within the meaning of the Amendment as delegated to the United States, it must be reserved to the people. If that be the true construction of the Constitution, it substantially amounts to this: that the United States are precluded from, and renounce altogether, the enlargement of territory, a provision sufficiently important and singular to have deserved to be expressly enacted. Is it not a more natural construction to say that the power of acquiring territory is delegated to the United States by the several provisions which authorize the several branches of government to make war, to make treaties, and to govern the territory of the Union?

I must, however, confess that after all I do not feel myself perfectly satisfied; the subject must be thoroughly examined; and the above observations must be considered as hasty and incomplete.

With respect, your affectionate servant.

JEFFERSON TO GALLATIN.

[January, 1803.]

Th. J. to Mr. Gallatin.

I happened to be extraordinarily pressed by business, which prevented my answering on the subject of Worthington's resignation, but I observed to him yesterday that as he had a right to resign, his act of resignation was final, and did not need an acceptance to validate it. If he apprehends any question, he might be furnished with an acceptance of the same date with his resignation. Spencer shall be nominated register. But as to the

place of light-house keeper at Old Point Comfort solicited by Latimer, you may recollect that long ago I had the most powerful recommendations in favor of Captain Samuel Eddins, a Revolutionary officer of great merit, the officer who in the days of terror saved Mr. Jones's press in Richmond from being pulled down by a mob of Federalists, and a good Republican. These recommendations have been lying by me eighteen months: by the by, I do not know whether the appointment is by you or me, and if the latter, whether it must go to the Senate. I have given Mr. Ellicot's letter to Mr. Madison for inquiry and consideration. This should have been settled by him with our predecessors, who alone could estimate the secret service and his authority to engage in it. I think with you on the subject of the smuggling at Michilimackinac: that we must not get into disagreement with the Indians; that without openly relinquishing the right of collection, the officer should wink at things at a distance and go on as he has done. In time we shall get rid of those traders by underselling them, and engage the Indians themselves in watching for us against smugglers. You are right, in my opinion, as to Mr. L.'s proposition: there is no constitutional difficulty as to the acquisition of territory, and whether, when acquired, it may be taken into the Union by the Constitution as it now stands, will become a question of expediency. I think it will be safer not to permit the enlargement of the Union but by amendment of the Constitution. Accept affectionate salutations.

GALLATIN TO JEFFERSON.

WASHINGTON, January 18, 1803.

DEAR SIR,—As the appropriation bill for the navy is ready to be reported, it is necessary to know in what manner the provisional authorization for six (6) frigates should be introduced. I would propose that exclusively of the appropriations for the deficiencies of 1802 and those for the 74's, vessels in ordinary, navy-yards and general contingencies, the other naval appropriations, amounting per estimate to $476,874\frac{66}{100}$, should be voted

in manner following, to wit: three-fifths of the whole *certain* for

the frigates and other vessels in actual service,	$286,000
for the purchase of smaller vessels, say	70,000
Certain	$356,000

And for such expenses as, with the approbation of the President, may be incurred during the recess of Congress, on account of any vessels which he may think necessary to put in commission (or to employ in actual service) if any war should break out (or if any hostilities should be committed) between the United States and any of the Barbary powers other than Tripoli,

The remaining	$120,000
	$476,000

You will be pleased to notice that those $476,000 are the estimate of keeping in actual service, for the whole of the year 1803, six frigates and one schooner, and that there is an additional appropriation of $180,000, which covers all the deficiencies of 1802, including the pay, provisions, and all other expenses of the whole Mediterranean squadron to the 31st December last. I think, therefore, that three-fifths of that estimate will be sufficient to support the intended establishment in the Mediterranean for 1803 if only Tripoli shall continue at war.

In order to bring the whole subject before you, I will, from the estimate, recapitulate the naval appropriations asked for this year, viz.:

1st. Six frigates and one schooner in commission, including repairs and contingencies,	$476,874.86
2d. Seven frigates in ordinary, including repairs and contingencies,	100,042.34
3d. Half-pay to officers not in service,	14,136.00
4th. Stores, military and naval, ordnance, &c.,	15,000.00
5th. General contingencies (exclusively of those for vessels, viz.: store-rent, commissions, freight, travelling expenses of officers),	40,000.00
6th. 74-gun ships,	114,425.00
7th. Navy-yards, docks,	48,741.37
8th. Marine corps,	90,780.43
	$900,000.00

Exclusively of $181,849.09 for deficiencies of 1802.

The appropriations marked 1, 2, 3, and 5 amount to $631,053.20, which the Secretary of the Navy requests may be arranged under the following heads, viz.:

a. Pay of officers and seamen, and subsistence of officers,		$283,993.00
b. Provisions,		157,360.20
c. Hospital and medical accounts,		7,700.00
d. Contingent accounts, viz.:		
Repairs and contingencies of vessels in commission,	79,000	
Repairs and contingencies of seven vessels in ordinary,	63,000	182,000.00
General contingencies as per No. 5 above,	40,000	
		$631,053.20

To those two last items of contingencies of 63,000 and 40,000 dollars I object, as much beyond what is really necessary for those objects. It is incredible that the annual repairs of the frigates in ordinary should amount to 9000 dollars per frigate; and, with no great economy, ten thousand dollars ought to suffice (instead of 40,000) for the general contingencies of commission, rent, and travelling expenses; since there are appropriations, exclusively of that 40,000 dollars, for the contingencies of vessels, for repairs, for the contingencies of the marine corps, and for stores. What those 40,000 dollars, therefore, are for, I am totally at a loss to know; only 16,000 are asked for the military establishment: indeed, I cannot discover any approach towards reform in that department (the navy), and I hope that you will pardon my stating my opinion on that subject, when you recollect with what zeal and perseverance I opposed for a number of years, whilst in Congress, similar loose demands for money; my opinions on that subject have been confirmed since you have called me in the Administration, and, although I am sensible that in the opinion of many wise and good men my ideas of expenditure are considered as too contracted, yet I feel a strong confidence that on this particular point I am right. Indeed, the possibility of wanting 600,000 dollars more a year without

additional taxes must, at this time, be a sufficient apology for urging every practicable economy.

I enclose a letter from Mr. Bradley, and one from Mr. Wadsworth, of Congress. To the last I do not know what answer to make. The cold weather affects me so much that I remained home to-day, and have troubled you with this letter, instead of waiting on you.

With sincere respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

WASHINGTON, 21st March, 1803.

DEAR SIR,—I enclose the only letters of any importance which I have received since you left the city. The answer to that from Mr. Thornton is also enclosed. To Mr. Muhlenberg I answered generally that I would approve what he might think best to be done respecting the inspectors. I foresee a schism in Pennsylvania: the most thinking part of the community will not submit to the decrees of partial ward or township meetings; and yet the violent party will have a strong hold on public opinion in representing that those who resist them must be considered as the friends of Jackson and McPherson. I have not heard whether they mean to address you, but hope they may not; and this incident will, at all events, render the question of removals still more delicate and difficult.

I had a long conversation with Captain Murray, of the Constellation: he says that at any time from March to the latter end of September, whilst he was on the Tripoli station, peace might have been obtained for five thousand dollars, and that the opportunity has been lost by the delays of Morris in the vicinity of Gibraltar and in going up the Mediterranean, but that he is much afraid that now that they are no longer at war with Sweden, matters accommodated with France, and no further danger apprehended by the Bashaw from his brother, a peace cannot be attained but upon very extravagant terms.

The refusal of a passport to the Morocco provision-ship he

considers as ridiculous, as it could not affect the state of affairs in relation to Tripoli, and those uncivilized states cannot understand the refined theory of the law of nations and of the duties of neutrals. He adds that there was not, when he left Europe, any danger to be apprehended from Morocco, the only source of uneasiness being the non-arrival of the gun-carriages.

The late accounts from Algiers and Tunis appear unpleasant. No time, it seems, should be lost in sending the stores to Algiers; and the appointment of a proper character in the Mediterranean to have the superintendence of the Barbary affairs appears indispensable.

Will you be able to find such one? I feel more uneasy about the state of affairs in that quarter than in relation to the Louisiana business.

You did not mention whether Mr. Briggs would accept the appointment of surveyor at Natchez.

With sincere respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

MONTICELLO, March 28, 1803.

DEAR SIR,—Yours of the 21st came to hand on the 25th. I now return the letters of Thornton and Muhlenberg with entire approbation of your answers. I am in all cases for a liberal conduct towards other nations, believing that the practice of the same friendly feelings and generous dispositions which attach individuals in private life will attach societies on the large scale, which are composed of individuals. I have for some time believed that Commodore Morris's conduct would require investigation. His progress from Gibraltar has been astonishing. I know of but one supposition which can cover him; that is, that he has so far mistaken the object of his mission as to spend his time in convoying. I do not know the fact; we gave great latitude to his discretion, believing he had an ambition to distinguish himself, and unwilling to check it by positive instructions.

I have for some time been satisfied a schism was taking place in

Pennsylvania between the moderates and high-fliers. The same will take place in Congress whenever a proper head for the latter shall start up, and we must expect division of the same kind in other States as soon as the Republicans shall be so strong as to fear no other enemy. I hope those of Philadelphia will not address on the subject of removals; it would be a delicate operation indeed. Briggs reserved till my return to decide; but he will accept. I had hoped to be with you by the 1st of April, but I now apprehend it will be that date before I can leave this place without leaving the objects of my visit unaccomplished. The thermometer is at 29° with us this morning, the peach-trees in blossom for a week past. Accept affectionate salutations.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY,
WASHINGTON, April 18, 1803.

DEAR SIR,—I perceive nothing in the enclosed which should, in my opinion, require alteration; perhaps something might be added.

The present aspect of affairs may ere long render it necessary that we should, by taking immediate possession, prevent G. B. from doing the same. Hence a perfect knowledge of the posts, establishments, and force kept by Spain in Upper Louisiana, and also of the most proper station to occupy for the purpose of preventing effectually the occupying of any part of the Missouri country by G. B., seems important; with that view the present communications of the British with the Missouri, either from the Mississippi, or, which is still more in point, from the waters emptying in Lake Winnipeg and generally in Hudson Bay, should be well ascertained, as well as the mode in which a small but sufficient force could best be conveyed to the most proper point from whence to prevent any attempt from Lake Winnipeg. But, whatever may be the issue of the present difficulties, the future destinies of the Missouri country are of vast importance to the United States, it being perhaps the only large tract of country, and certainly the *first* which, lying out of the boundaries of the Union, will be settled by the people of the United States.

The precise extent, therefore, of the country drained by all the waters emptying into that river, and consequently the length and directions of all the principal branches, ought to be as far as practicable ascertained, as well as that particular branch which may be followed for the purpose of examining the communications with the Pacific Ocean. That tract of country is bounded on the north by the waters of Hudson's Bay, the extent of which southwardly is tolerably ascertained by Mackenzie and others; westwardly by the waters of the Columbia and other rivers emptying into the Pacific, which it is the principal object of this voyage to explore; and southwardly, it is presumed, by the waters of Rio Norte. How far these extend northwardly and confine the waters of the Missouri it is important to know, as their position would generally determine the extent of territory watered by the Missouri. It is presumable, from analogy, that the waters of Hudson Bay, which interlock with the many northerly streams of the Missouri, are divided from them by elevated lands interspersed with lakes, but not by any regular chain of mountains. By the same analogy (for within the United States and known parts of North America the spring of every river north of 42° latitude issues from a lake, and south of 41° from a mountain), it is probable that the northern branches of the Rio Norte are separated from the southern streams of the Kansas and Missouri Rivers by a chain of mountains running westwardly till it unites with the chain which divides the waters of the Missouri and other rivers from those emptying into the Pacific. Hence it is presumable that the distance of that east and west chain from the Missouri will generally show the extent of country watered by this river. And although Capt. L. going westwardly towards his main object may not personally become acquainted with the country lying south of his track, yet so far as he may collect information on that subject, and also on the communications with the Rio Norte or other southern rivers, if any other, which is not probable, interlocks with the Missouri, it would be a desirable object. The great object to ascertain is whether from its extent and fertility that country is susceptible of a large population in the same manner as the corresponding tract on the Ohio. Besides the general opinion which may be formed of its fertility, some

more specific instructions on the signs of the soil might be given, the two principal of which are the *prevailing* species of timber, whether oak, beech, pine, or barren, and the evenness or mountainous and rocky situation of the lands.

Those two circumstances do generally determine in America the quantity of soil fit for cultivation in any one large tract of country, for I presume there are no swamps in that part of the world. But several more signs might be added, to which the traveller should pay attention.

I think Capt. L. ought to take, on the Spanish side of the Illinois settlement, some person who had navigated the Missouri as high as possible, and it might not be amiss to try to winter with the traders *from that quarter* who go to the farthest tribes of Indians in the proper direction. A boat or canoe might be hired there (at the Illinois) to carry up to that spot a sufficient quantity of flour to enable him to winter there with comfort, so that his hands should be fresh and in good spirits in the spring.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

June 16, 1803.

DEAR SIR,—I enclose a sketch of the conditions on which the Salt Springs or Wabash may be offered; also T. Coxe's answer respecting the purveyorship. Please to examine the conditions of the lease and to suggest alterations. I will call to-morrow in order to explain the reasons of some of them and receive your decision, after which I will make an official report.

I received last night a private letter from New York, in which E. Livingston's defalcation is spoken of as a matter of public notoriety in that city. I suspected as much from the last letter from Gelston, and answered rather angrily. His letters and copy of my last answer are enclosed. The copy of mine of the 21st April I cannot find; it was short, but very explicit. A resignation or removal must unavoidably follow, and I apprehend an explosion. But, at all events, a successor should be immediately provided.

Will you have any objections to write to D. W. Clinton, or shall I do it? I would prefer that he should be requested to mention the names of two or more persons, and he must be told that talents and legal knowledge sufficient to defend the suits of the United States, and integrity that may hereafter secure us against any danger or even imputation of want of caution, are absolutely necessary. I think no time ought to be lost; and if we had a successor ready I would propose an immediate appointment; for by the law every bond unpaid must on the day after it has become due be lodged in hands of the District Attorney, and no day passes without several being thus placed.

With sincere respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT TREASURY, 21st June, 1808.

DEAR SIR,—I enclose a letter from the Commissioner of the Revenue respecting Mr. Gordon's claims: as he gave a memorandum in writing, Mr. G. should produce it. Also recommendations from Messrs. Bacon and Varnum in favor of Francis Carr for the office of naval officer at Newburyport. The present incumbent [is Michael Hodge[1]] is Jonathan Titcomb, of whom I know nothing. Also a letter from Tench Coxe; his suggestions of a report proceeding from Messrs. Madison and Lewis are without foundation; but Captain Lewis says that the Republicans in Philadelphia seem generally agreed that, in case of the removal of either of the two custom-house officers, he, Mr. Coxe, is entitled to the preference. The salary of the naval officer (McPherson) is 3500 dollars, of the surveyor (Jackson) 3000, and of the purveyor only 2000. I feel no hesitation in saying that, on the grounds of public services and capacity, as well as on account of his having been formerly removed, Mr. Coxe's pretensions to the most lucrative of those offices which may be vacated appear well grounded: personal predilection for him I have not, and I

[1] Inserted by Mr. Jefferson.

do not know who would be the best person to appoint purveyor if he was made surveyor; but justice seemed to require that expression of my *opinion* in his favor on that point.

There would, however, be an objection to his being substituted in lieu of Mr. McPherson, which does not apply to his replacing Jackson: in the first instance, the act of giving to a man who had left the Americans and joined the British the office of him who had left the British to join the Americans would make too forcible a contrast. Yet, to me, the prefect of the Pretorian bands is much more obnoxious than the insignificant Jackson.

As it will be necessary for me to answer Mr. Coxe's letter, I wish to know your final determination respecting those Philadelphia offices, in order that my answer may be properly modified to meet your own intentions; it seems to me that if the surveyor's place is to be given to another person, it will be proper, without entering into any confidential communications, that I should inform Mr. Coxe that he was altogether mistaken, and that you had not intended any other office for him than that of purveyor.

It is proper, at the same time, that you should know that, although this last office has a less salary affixed to it, perhaps because it is less laborious, it is more respectable, important, and responsible than that of surveyor. The surveyor is the head of the tide-waiters, inspectors, and other out-doors inferior officers of the custom-house, distributes them on board the vessels, receives their reports, watches smuggling and other irregular proceedings, &c., but not a single penny of public moneys passes through his hands. The purveyor is by law the officer who should make all the purchases of clothing, stores, &c., for the War and Navy Departments, and several hundred thousand dollars pass annually through his hands. He is practically employed principally by the Secretary of War, the Navy Department having, improperly in my opinion, continued to employ, in Philadelphia, agents (Harrison and Sterret), to whom a commission is paid for services which the purveyor ought to perform. By conversing with Captain Lewis you will receive every necessary information respecting public opinion and feeling in Philadelphia, and you will perceive that I cannot wish to communicate with any person there on the subject of removals and offices except with a full knowledge of

your ultimate determination, and even then not without some considerable reluctance. I think, however, that what is right in itself ought to be done, without being deterred by the imputation that the ward meetings have compelled the Executive to act in a different way from what he intended; and the intemperance of some individuals will not prevent my communicating to you my impressions, even where the result is favorable to their views, as freely as if they had acted and spoken with perfect propriety. Robert Hays, marshal of West Tennessee, has drawn improperly on the Treasury for more than two thousand dollars. The bill was not paid, and on a settlement of his accounts about one thousand dollars were found due to him. In order to apologize for his having drawn the two thousand, he pretends now that a bill drawn more than a year ago by him on the Treasury in favor of Henning and Dixon (who is, I believe, Dixon of Congress), endorsed by these to a respectable merchant in Philadelphia, to whom it was paid by the Treasury, was a forgery. Should that be the case, there will be no loss, as the endorsers are perfectly responsible. But from comparing the handwriting, from the respectability of the parties, and various other circumstances, I have not the least doubt of his assertion being altogether false. This having led me to further inquiry, I find that he never writes anything but his name, and that sometimes under the visible effects of intoxication, that he renders his accounts irregularly and always in an incomplete manner, that he is incapable, and has contracted such habits of intemperance as render it necessary that he should be removed. The only persons I know in West Tennessee are Mr. Dixon, the member of Congress, and Andrew Jackson, formerly a member. The two Senators live in East Tennessee, which is a distinct district, with a marshal of its own. Where Mr. Smith lives I do not positively know, but believe in East Tennessee. Please to direct what shall be done, and whether I may write to Messrs. Dixon and Jackson, or to either of them, for information of a proper successor.

With sincere respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY, July 2, 1803.

DEAR SIR,—I enclose the letters received on the subject of E. Livingston. If Mr. Gelston is right in supposing that the list dated 18th June has been paid to the District Attorney, there is a defalcation of at least that amount, to wit, thirty thousand dollars; besides which, he may have received part of the bonds which had been put in suit whilst Mr. Harrison was District Attorney, and has received some of the proceeds of the sales of Mr. Lamb's (the late collector) estate. I would not be astonished if the whole deficiency exceeded forty thousand dollars.

That is far greater than I had any idea of from Mr. G.'s preceding letters, but his account is neither clear nor final. What may bring Mr. L. here I do not understand: he can have no expectation of remaining in office under such circumstances. Mr. Clinton's recommendation appears unexceptionable. Mr. Sanford was, I believe, originally recommended by General Smith, of Long Island.

As Mr. L. may be expected every moment, I will thank you to send back the papers when you shall have done with them, and to suggest whether any particular line of conduct must be followed with him.

From the recommendations of Nichols and Slocum, can any conjecture be formed which is the most active and has most capacity?

If equal, the naval officer would be preferable to fill the duties of supervisor. It must be observed that the present appointments will be considered rather as a burden than as a favor.

With respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY, 9th July, 1803.

DEAR SIR,—As Mr. Nicholas has, through his uncle, applied for the office, and it is uncertain whether Mr. Garrard would take it, I think he should be preferred. The only objection which presents itself is, that to several applications the general answer has been given that lawyers only should be appointed; amongst others, a gentleman from Carolina, recommended by Hampton, and who came here on purpose. But the office of register for Mobile should be filled immediately; it is really more pressing than that of commissioner. Would either Mr. Garrard or Mr. Nicholas take it?

I was preparing, when I received yours, an official letter to Mr. Clarke on the subject of Louisiana, but confined, of course, to the objects immediately connected with this Department, to wit, the present revenue, and particularly that drawn from duties on imports and exports; and amount of exports, principally those articles which pay duty on their importation into the United States, viz., cotton, indigo, and particularly sugar. As the revenue we draw from this last article is not less than nine hundred thousand dollars a year, it is important to ascertain the quantity which is now annually exported from New Orleans, in order either to find means of supplying the deficiency of revenue, if that article shall be imported from thence duty free, or to devise some method by which the duty may still be collected. My present idea was that until an amendment to the Constitution had been adopted, all the duties on imports now payable in the United States should be likewise paid on importations to New Orleans.

All the duties on exports now payable at New Orleans, by Spanish laws should cease, and all articles of the growth of Louisiana which, when imported into the United States, now pay duty, should continue to pay the same, or at least such rates as would, on the whole, not affect the revenue.

But facts are wanted, and I will try by next Monday to have such additional or explanatory queries prepared as will answer

my object, and give them to be added to those you had prepared.

The amendment to the Constitution is intended, I presume, for deliberation and reflection, but not for immediate decision.

With respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

July 12, 1803.

The strengthening the revenue cutters by the addition of another mate and two hands is approved. While our cutters must be large enough to go safely to sea, and should be well manned for their size, we should avoid making them larger than *safety* will require; because many small vessels will watch the coast better than a few large ones. *Resistance* will not be attempted, probably. General Muhlenberg's idea of forming the cutters into a line of communication seems to be a good one. I should suppose it well to partition the whole coast among them by certain limits.

It is difficult to see what Mr. Bond would be at. I suppose he aims at our citizen laws. There is a distinction which we ought to make ourselves, and with which the belligerent powers ought to be content. Where, after the commencement of a war, a merchant of either comes here and is naturalized, the purpose is probably fraudulent against the other, and intended to cloak their commerce under our flag. This we should honestly discountenance, and never reclaim their property when captured. But merchants from either, settled and made citizens before a war, are citizens to every purpose of commerce, and not to be distinguished in our proceedings from natives. Every attempt of Great Britain to enforce her principle of "once a subject and always a subject" beyond the case of *her own subjects*, ought to be repelled. A copy of General Muhlenberg's letter, stating the fact of citizenship accurately, ought to satisfy Mr. Bond, unless he can disprove the fact; or unless, admitting the fact, he at once attacks our principle: on that ground we will meet his government.

As to the patronage of the Republican bank at Providence, I am decidedly in favor of making all the banks Republican, by sharing deposits among them in proportion to the dispositions they show; if the law now forbids it, we should not permit another session of Congress to pass without amending it. It is material to the safety of Republicanism to detach the mercantile interest from its enemies and incorporate them into the body of its friends. A merchant is naturally a Republican, and can be otherwise only from a vitiated state of things. Affectionate salutations.

JEFFERSON TO GALLATIN.

MONTICELLO, July 25, 1803.

DEAR SIR,—We agreed that the address of the ward committees ought not to be formally answered. But on further reflection I think it would be better to write a private letter to one of the members, in order that he may understand the true grounds on which the subject rests, and may state them informally to his colleagues. I think these grounds so solid that they cannot fail to remove this cause of division among our friends, and perhaps to cure the incipient schism. Of the signers of the address, I know only Duane and Scott sufficiently to address such a letter to them; and of these I am much more acquainted with the first than the last, and think him on that ground more entitled to this mark of confidence. Some apprehensions may perhaps be entertained that if the schism goes on, he may be in a different section from us. If there be no danger in this, he is the one I should prefer. Give me your opinion on it, if you please, and consider and make any alterations in the letter you think best, and return it to me as soon as you can. I am strongly of opinion it will do good. Accept my affectionate salutations and assurances of respect.

[Enclosure.]

JEFFERSON TO DUANE.

MONTICELLO, July 24, 1803.

DEAR SIR,—The address of the ward committees of Philadelphia on the subject of removals from office was received at Washington on the 17th inst. I cannot answer it, because I have given no answer to the many others I have received from other quarters. You are sensible what use an unfriendly party would make of such answers, by putting all their expressions to the torture; and although no person wishes more than I do to learn the opinions of respected *individuals*, because they enable me to examine and often to correct my own, yet I am not satisfied that I ought to admit the addresses even of those bodies of men which are organized by the Constitution (the Houses of Legislature, for instance) to influence the appointment to office, for which the Constitution has chosen to rely on the independence and integrity of the Executive controlled by the Senate, chosen both of them by the whole Union, still less of those bodies whose organization is unknown to the Constitution. As revolutionary instruments (when nothing but revolution will cure the evils of the state) they are necessary and indispensable, and the right to use them is inalienable by the people; but to admit them as ordinary and habitual instruments, as a part of the machinery of the Constitution, would be to change that machinery, by introducing moving powers foreign to it and to an extent depending solely on local views, and therefore incalculable. The opinions offered *by individuals* are of right, and on a different ground: they are sanctioned by the Constitution; which has also prescribed, when they choose to act in bodies, the organization, objects, and rights of those bodies. Although this view of the subject forbids me, in my own judgment, to give answers to addresses of this kind, yet the one now under consideration is couched in terms so friendly and respectful, and from persons many of whom I know to have been firm patriots, some of them in Revolutionary times, and others in those of terror, and doubt not that all are of the same valuable character, that I cannot restrain the

desire that they should individually understand the reasons why no formal answer is given; that they should see it proceeds from my point of view of the Constitution and the judgment I form of my duties to it, and not from a want of respect and esteem for them or their opinions, which given individually will ever be valued by me. I beg leave, therefore, to avail myself of my acquaintance with you and of your friendly dispositions to communicate them individually the considerations expressed in this letter, which is merely private and to yourself, and which I ask you not to put out of your own hands, lest, directly or by copy, it should get into those of the common adversary, and become matter for those malignant perversions which no sentiments however just, no expressions however correct, can escape.

It may perhaps at first view be thought that my answer to the New Haven letter was not within my own rule; but that letter was expressed to be from the writers individually, and not as an organized body chosen to represent and express the public opinion. The occasion, too, which it furnished had for some time been wished for, of explaining to the Republican part of the nation my sense of their just right to participation of office, and the proceedings adopted for attaining it after due inquiry into the general sentiments of the several States. The purpose there explained was to remove some of the least deserving officers, but generally to prefer the milder measure of waiting till accidental vacancies should furnish opportunity of giving to Republicans their due *proportion* of office. To this we have steadily adhered. Many vacancies have been made by death and resignation, many by removal for malversation in office, and for open, active, and virulent abuse of official influence in opposition to the order of things established by the will of the nation. Such removals continue to be made on sufficient proof; the places have been steadily filled with Republican characters, until of 316 offices in all the United States subject to appointment and removal by me, 130 only are held by Federalists. I do not include in this estimate the judiciary and military, because not removable but by established process, nor the officers of the internal revenue, because discontinued by law, nor postmasters or any others not named by me. And this has been effected in little more than two years, by

means so moderate and just as cannot fail to be approved in future. Whether a participation of office in proportion to numbers should be effected in each State separately, or in the whole States taken together, is difficult to decide, and has not yet been settled in my own mind. It is a question of vast complications. But suppose we were to apply the rule to Pennsylvania, distinctly from the Union. In the State of Pennsylvania eight offices only are subject to my nomination and informal removal. Of these, five are in the hands of Republicans, three of Federalists; to wit, Republican:

The Attorney,	Dallas.	Federals.
Marshal,	Smith.	Naval Officer.
Collector,	Muhlenburg.	Surveyor.
Purveyor,	Coxe.	Commissioner of Loans.
Superintendent Military Stores,	Irving.	

In the hands of the former is the appointment of every subordinate officer, not a single one (but their clerks) being appointable by the latter. Taking a view of this subject in the only year I can now come at, the clerk hire of the naval officer and surveyor is only $2196; that of the commissioner of loans $2500,=$4696; the compensation of the naval officer and surveyor were $7651 in that year. The residue of custom-house expenses were $46,268, constituting the compensation and patronage of the collector, except about $1500 to the officers of the revenue cutter, who are Republican. The emoluments and patronage of the five other Republican officers I have no materials for estimating; but they are not small. Considering numbers, therefore, as the ratio of participation, it stands at 5 to 3; but, taking emolument and patronage as the measure, our actual share is much greater. I cannot, therefore, suppose that our friends had sufficiently examined the fact when they alleged that "in Philadelphia public employment under the general government in all its grades, with scarcely an exception, is confined not to Federalists merely, but to apostates, persecutors, and enemies of representative government."

I give full credit to the wisdom of the measures pursued by the Governor of Pennsylvania in removals from office. I have no doubt he followed the wish of the State, and *he* had no other to consult; but in the general government each State is to be

administered, not on its local principles, but on the principles of all the States formed into a general result. That I should administer the affairs of Massachusetts and Connecticut, for example, on Federal principles could not be approved. I dare say, too, that the extensive removals from office in Pennsylvania may have contributed to the great conversion which has been manifested among its citizens, but I respect them too much to believe it has been the exclusive or even the principal motive. I presume the sound measures of their government and of the general one have weighed more in their estimation and conversion than the consideration of the particular agents employed.

I read with extreme gratification the approbation expressed of the general measures of the present Administration. I verily believe our friends have not differed with us on a single *measure* of importance. It is only as to the distribution of office that some difference of opinion has appeared, but that difference will, I think, be lessened when facts and principles are more accurately scanned, and its impression still more so when justice is done to motives and to the duty of pursuing that which, on mature consideration, is deemed to be right.

I hope you will pardon the trouble which this communication proposes to give you, when you attend to the considerations urging it, and that you will accept my respectful salutations and assurances of great esteem.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY,
WASHINGTON, July 27, 1803.

DEAR SIR,—I have not yet heard whether you have arrived safe at Monticello, and I write only to inform you that I leave this city to-day for New York. I will stop in Philadelphia to treat with the bank, and will communicate the result.

Nothing has taken place, since you left this, connected with the Treasury, except E. Livingston's journey here. He called on me at my house, said nothing of his defalcation, and left the

city two days after without calling at the office. This compels me to take the commission to New York, where I will fix the matter. I have written on the subject to De Witt Clinton.

With sincere respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, 11th August, 1808.

DEAR SIR,—I arrived here after a long and tedious journey, and found the yellow fever in the city; I did not stay in it, and am in the country, two miles from town.

I must confess that I do not see the necessity of writing the intended letter to Duane. Unforeseen circumstances may produce alterations in your present view of the subject, and if you shall hereafter think proper to act on a plan somewhat different from that you now consider as the best, a commitment would prove unpleasant. Nor is it probable that abstract reasoning, or even a statement of facts already known to them, will make converts of men under the influence of passions or governed by self-interest. Either a schism will take place, in which case the leaders of those men would divide from us, or time and the good sense of the people will of themselves cure the evil. I have reason to believe that the last will happen, and that the number of malcontents is not very considerable, and will diminish.

Should you, however, conclude to write, I think Duane greatly preferable to Scott. Clay is his intimate friend, and the only man of superior weight and talents who appears to be closely united with Leib and Duane. Clay will during the course of next session become intimately connected with ourselves and the majority of Congress; he will, I am confident, be perfectly reconciled to us, and feel the necessity, when all the important measures shall meet with his approbation, not to divide on account of some slight difference of opinion in points of trifling comparative importance; and it is highly probable that Duane, who may be misled by vanity and by his associates, but whose sincere Republicanism I cannot permit myself to

doubt, will adhere to us when his best friend shall have taken a decided part. Although I do not consider a commitment to him eligible, it appears vastly preferable to one to Scott.

If a letter shall be written, I think that, if possible, it should be much shorter than your draft, and have perhaps less the appearance of apology.

The irresistible argument, to men disposed to listen to argument, appears to me to be the perfect approbation given by the Republicans to all the leading measures of government, and the inference that men who are disposed under those circumstances to *asperse* Administration, seem to avow that the hard struggle of so many years was not for the purpose of securing our republican institutions and of giving a proper direction to the operations of government, but for the sake of a few paltry offices,—offices not of a political and discretionary nature, but mere inferior administrative offices of profit. There is one mistake in your draft: Leonard, the store-keeper, is appointed by the Secretary of War, and not by the President.

The information I have received respecting E. Livingston is still more decisive than what I had at Washington; the enclosed copy of a letter from Mr. Osgood will show that he is also a delinquent on suits brought by order of the supervisor. Mr. Gelston informs me that he has not yet paid the whole of the balance which he acknowledges to be due by him, and he adds that he feels a conviction that the return made by Livingston is untrue, and of course the balance in his hands much larger than what he acknowledges.

It is only by personal application to the persons indebted on bonds put in suit that the true state of his accounts can be ascertained; this will be done, and can be done only by a successor in office. I have sent word to De Witt Clinton, who is on Long Island, to try to come to me to-day or to-morrow. At all events, the commission to N. Sanford will be delivered in the course of this week.

I enclose the answer of Oliver Phelps recommending Robert Lee as collector of Niagara. If you shall approve, and are still of opinion that the son of General Irvine is the proper person to be appointed surveyor of the port of Buffalo Creek, which

is to be annexed as a post of delivery to the district of Niagara, the commissions may be issued; but I do not recollect young Irvine's Christian name. The denominations of office will be,

Collector of the district of Niagara,

Surveyor of the port of Buffalo Creek,

and each of them must have another commission, viz.,

Inspector of the revenue for the *port* of Niagara.

Do. do. of Buffalo Creek.

It is also necessary that you should determine on the application of T. Reddick for the office of register of the land office at Mobile, being the same for which E. Kirby has a blank commission. Will you be good enough to inform me whenever he (Mr. Kirby), Robert Williams, and —— Nicholas, of Kentucky, shall have expressed their determination to accept the offices of commissioners? as it is necessary for me to transmit to them some instructions and to make the arrangements for the payment of their salary. At the request of Dr. Hunter, of Philadelphia, I enclose his application, which may hereafter deserve attention. The Bank of the United States has immediately and cheerfully expressed its readiness to lend us the 1,785,000 dollars wanted to complete the intended payment of the American debts assumed by the treaty with France. Mr. Lyman, of Massachusetts, is a determined applicant for the government of Louisiana. As an early, decided, active, and persecuted Republican he has great claims, but his pretensions are high, and he is not accommodating. I have seen Mr. King, but in the presence of a third person, and could have but a general conversation. In the course of that he incidentally mentioned that the idea of selling Louisiana was, four weeks before the treaty, assimilated at Paris with the sale of Dunkirk by Charles the Second, and that Mr. Livingston had not at that time the least expectation of success. I will return his visit to-morrow, and may obtain some other information.

With sincere respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, 18th August, 1808.

DEAR SIR,—I have this day received your favor of the 8th inst. My knowledge of the duties required from a neutral on the particular point in question is not sufficient to throw any light on the subject. It is important to confer anything in the shape of an obligation on the First Consul; it is much more important to commit no act which may justly be considered as a breach of neutrality, for from other nations we want justice much more than favors. Whether the granting a passage to Jerome Bonaparte on board one of the frigates of the United States may be fairly considered by Great Britain as a deviation from the rules of conduct imposed upon us by the law and customs of nations, is the point on which I cannot form a precise opinion. Upon a first impression I would rather incline to the belief that it may be so considered.

Private vessels may export contraband articles, but are liable to seizure and condemnation. Public vessels ought not in any instance to do acts which would expose private vessels to just condemnation. Unless that principle be admitted, the right of the belligerent powers to search and send for adjudication public vessels of the neutrals will be insisted on. Subjects of an enemy, and *a fortiori* officers and troops of that enemy, are considered as contraband. Is not Jerome Bonaparte an officer in the service of the French republic? If he is, may not the act of transporting him from the neutral country to his own be considered as aiding the enemy of Great Britain?

If you shall be of opinion that the act may be fairly justified, I think it should be done though it may not please Great Britain. If you are of a contrary opinion, it should be refused at the risk of displeasing the First Consul. If the act is of a doubtful nature, the effect which granting or refusing a passage may have on both nations may become a proper subject of consideration, and of that, also, I am unable to judge. If the frigate could be despatched before a formal application shall be made, it would be much better.

Samuel Bishop, the collector of New Haven, is dead. Many applications will be made for the office; I think it my duty to state that if Abraham Bishop can be trusted in money matters, and if his appointment should not be judged to produce an unfavorable effect in Connecticut, he has a strong claim on the Treasury Department, having this summer completed at my request a digest of all our revenue laws, which he understands better than any officer of the United States.

I have the honor to be, with respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

MONTICELLO, August 18, 1803.

DEAR SIR,—My last to you was of the 8th instant; yesterday I received your two favors of the 11th. There ought to be no further hesitation with E. Livingston. The importation of negroes from the French islands ought to be vigorously withstood; but I think we should not tread back our steps as to the reduction of the size of our revenue cutters on bare supposition that they will be resisted. When such a fact happens, we may consider whether it is so great an evil to oblige those smugglers to sheer off to other countries as to induce us to enlarge our vessels to bring them in for punishment, accompanied by the very persons we wish to exclude.

I readily coincide with your opinion as to the answer to the ward committees: besides that you have formed it on a view of the ground and better knowledge of the characters, it was one of those measures which I put into shape merely for an ultimate consideration and decision. I have directed commissions for Robert Lee and Irvine. Mr. Reddick had before applied to me directly to be register at Mobile, and through Mr. Baldwin, of Ohio. I know nothing of him myself, so that he stands on the single recommendation of Mr. B., who mentions him only as qualified as an accountant. I think Mr. Kirby can make a selection on better information, and that it may have a good effect to name that officer from among the inhabitants, as it is the first

instance. Mr. Kirby accepts; you may take as certain that Robert C. Nicholas will accept. I have heard nothing from Mr. Williams. Hunter's application may be worth keeping in view. Mr. Lyman's measure of himself differs so much from ours that it is not likely we shall agree in a result. I hope you will make every possible occasion of getting information from King as to the views and dispositions of England, and of satisfying him of the perfect friendship of this Administration to that country. The impressment of our seamen, and the using our harbors as stations to sally out of and cruise on our own commerce as well as on that of our friends, are points on which he can perhaps give useful advice. Accept my affectionate salutations, and assurances of great esteem and respect.

P.S.—I return Mr. Osgood's letter.

GALLATIN TO JEFFERSON.

NEW YORK, 20th August, 1803.

DEAR SIR,—Since writing my last, I have received the enclosed; although I presume that application supported by proper recommendations has been made to you, I send Mr. Granger's letter, which was not personally delivered on account of sickness in his family.

Great apprehension is entertained at Philadelphia that John Leib, the lawyer, should be appointed Clay's successor as one of the board of commissioners of bankruptcy. He is represented as destitute of talents and integrity: that I cannot tell; but certainly he is not respectable. As Dallas, Sergeant, and Dickinson are lawyers, I think that a man in the mercantile line should be appointed; none has been mentioned to me, and first-rate merchants we have not. If there is no previous promise, I wish the appointment might be delayed till the time of our meeting.

There is nothing new here; the fever still increases, although more than one-half of the inhabitants have left the city.

I am told that E. Livingston is much irritated, and that he has given notice to the governor that whenever the epidemic had subsided, he would resign the mayoralty.

With respect and attachment, your obedient servant.

A. Bishop has just left me: he has a very sedate appearance, which, from what I had heard of his character, I did not expect. Before he mentioned his name I mistook him for a clergyman.

GALLATIN TO JEFFERSON.

NEW YORK, 18th August, 1808.

DEAR SIR,—Messrs. Dickinson and Jackson do not agree on the proper person to fill the office of marshal for West Tennessee. A court will be held on the fourth Monday of November, at which time it is desirable that a new marshal might act, as Mr. Hays has given fresh proofs of unfitness by drawing again on me for one thousand dollars more than was due to him. I do not like, on that account, to remit to him the sum necessary to hold the November court, having no doubt that he will misapply it and that we shall then be obliged to institute a suit against him. We may not, therefore, wait longer than the end of October to fix on a successor. The letters of the two gentlemen are enclosed.

I do not perceive any objection to making it a condition of the lease of the Wabash Salt Springs that at the end of the lease the new lessee shall be obliged to pay for the buildings, as well as for the kettles, at a fair valuation.

Mr. Lincoln's letter recommending a second mate is enclosed, and if you shall approve, a commission may issue; there is not, however, any necessity to decide before the meeting of Congress. If you shall suspend your determination in that case, or in that of the Tennessee marshal, I would thank you to return the letters, which serve me instead of memoranda not to forget the subject to which they relate.

Mr. King seems to think that he might have renewed the commercial treaty on conditions satisfactory to America. Great Britain has not made any approach of late on that subject; he

thinks the government has not even thought on the limitation by which it will expire, and that Mr. Merry will have no instructions on the subject. He is of opinion that in the East Indies the want of a treaty will not place us on a worse footing; that there is no danger to be apprehended on the subject of provisions being considered as contraband; and that the improvement in the West India courts of admiralty will relieve us from many of the embarrassments experienced by our trade during the last war. The only ground on which he feels any apprehension is that of impressments; and had he not been on the eve of his departure, he might, he thinks, have succeeded in making some arrangement; the greatest obstacle to this resulted from the practical prejudices of Earl St. Vincent. Mr. King considers the present administration in England as the most favorable that has existed or can exist for the interests of the United States, but he does not rely much on their permanence; the members who compose it are respected as men of integrity, but have not the perfect confidence of the people, nor particularly of London; their abilities being considered as unequal to the present crisis. Mr. King himself, speaking of them, whilst conversing of the British manifesto, called them "little men." He asked me who was to be his successor; I answered that I presumed either Mr. Livingston or Mr. Monroe. He said that Mr. L. would do very well, his deafness excepted, which was a strong objection. His British Majesty asked him twice who would be sent, and expressed his satisfaction in case Mr. L. was the man; but when he saw Mr. Monroe's name announced in the newspapers for that mission, he inquired particularly of his character, and asked Mr. King whether he had not been opposed to him in politics. Upon being answered that those differences of politics had only been shades of opinion, and that Mr. Monroe was a man of great probity and integrity, "Well, well, if he is an honest man he will do very well," was the reply; and Mr. Hammond assured afterwards Mr. K. that Mr. M., if appointed, would be perfectly well received. Yet Mr. K. seems to apprehend that there is still some *prevention* which may render his situation less comfortable and his services less useful than those of another person.

On the subject of Louisiana generally, Mr. King's opinions, both as relate to New Orleans and the upper country west of the Mississippi, seem to coincide with yours. He hinted, however, that more advantageous terms might have been obtained, and openly said that if our ministers did not think it safe to risk the object by insisting on a reduction of the price, they had it at least in their power to prescribe the mode of payment; that money might have been raised in England on much more advantageous terms if the mode had been left open to us; that [Cazenove], who was Talleyrand's privy counsel and financier, must have suggested the species of stock which was adopted, &c. He then asked me what could have been the reason which induced our ministers to agree to make an immediate cash payment for the American debts, instead of paying them in stock or more convenient instalments, as the creditors would have been perfectly satisfied to be paid that way, and *that* object at least did not seem to be one on which the French government would insist. I told him that I really could not tell, for I knew that mode or some similar one had been contemplated by the Administration, and I had not understood that any explanation on that subject had been received from our ministers. On my mentioning that the French Cabinet seemed to have believed that the question of peace or war was in their power, and that our ministers, being naturally under a similar impression, might have been induced to yield to more unfavorable terms than if they had contemplated war as certain, he observed that on the arrival of every messenger from France the correspondence of Lord Whitworth and Mr. Talleyrand had been communicated to him by the British Ministry, and that by the return of every messenger he had communicated its substance to Mr. Livingston, as well as his opinion of the certainty of war. We both concluded our conversation on that subject by agreeing that Mr. Livingston's precipitancy had been prejudicial to the United States. And he observed that Florida must necessarily fall in our hands, and that he hoped too much impatience would not be evinced on that subject.

I repeated to him verbatim the commercial article of the treaty, expressed my wish that it had been communicated to him when

he made his communication to the British government, and asked whether he thought that the article could possibly create any difficulty. He answered, without the least hesitation, that it could not, that it was perfectly defensible, must be considered as part of the purchase-money, and expressed his full conviction that the British government would not cavil at it. He observed that Messrs. Livingston and Monroe had in their letter to him used the word "claim," to which, in his letters to Lord Hawkesbury, he had substituted the word "right." I was almost tempted to believe from his conversation that Mr. L. had communicated the treaty to him.

On the subject of the boundaries of Louisiana, he assures me that they have never been settled by any treaty.

The whole of his conversation was, as I expected, in terms perfectly respectful of the general measures you have adopted in relation to foreign nations, the only subject on which we conversed.

After some preliminary apology, he said he thought it his duty to say that we ought to keep Mr. Erving's accountability under strict control. I told him that he had no accounts with the Treasury, but that, finding that he was to receive a large sum in July last in repayment of the advances made by the United States for prosecuting the claims, I had written to the Secretary of State requesting that he should direct Mr. Erving to lodge the money either in bank or with the bankers of the United States, subject to the drafts of the Treasury Department. Mr. King said that this was the subject he alluded to, as, without meaning to insinuate anything against the public agent, he thought it was better he should not have the command of so large a sum (about £40,000), that Mr. E.'s father was extravagant and had entered into some silly speculations, by one of which he had lately lost several thousand pounds. I have not been informed of the steps taken by Mr. Madison on that subject, and will thank you to communicate this to him.

Mr. King lent me the rescript of the Emperor of Russia offering his mediation. It is too long to be transcribed. Although he says in one place "qu'il avoit déjà chargé une fois son ministre de communiquer ses sentimens au Gouvernement François sur la nécessité qu'il y aurait de faire cesser diverses causes d'inquiétude,

qui agitoient les cabinets de l'Europe," I should think, from the whole tenor of that document, that he will not approve the grounds on which England has placed the renewal of the war. Amongst the twelve and half millions sterling new taxes proposed by Mr. Addington, I remark that of one per cent. on manufactures exported to Europe, and of *three* per cent. on those exported to the other parts of the world. On a moderate computation, this will be a tax on the United States of six hundred thousand dollars a year; for English manufactures, against which no other can enter into competition, are consumed in the United States to the amount of twenty millions of dollars. The blockade of the port of Hamburg will materially affect us until another channel of communication can be opened with the north of Europe; the prices of American and West India produce being low and unsteady in England.

With respect and attachment, your obedient servant.

Mr. Sanford received his commission last Monday. I have neither seen nor heard from E. Livingston.

JEFFERSON TO GALLATIN.

MONTICELLO, August 28, 1803.

DEAR SIR,—Your favors of August 13 and 15 were received yesterday. The appointment of a successor to Samuel Bishop must await our reassembling at Washington. I enclose you the late letters of Livingston and Monroe for consideration, and to be returned to me when perused. You will find that the French government, dissatisfied perhaps with their late bargain with us, will be glad of a pretext to declare it void. It will be necessary, therefore, that we execute it with punctuality and without delay. I have desired the Secretary of the Navy so to make his arrangements as that an armed vessel shall be ready to sail on the 31st of October with the ratification, and, if possible, with the stock to France; if the latter can be got through both Houses in that time it will be desirable. Would it not be well that you

should have a bill ready drawn to be offered on the first or second day of the session? It will be well to say as little as possible on the constitutional difficulty, and that Congress should act on it without talking. I subjoin what I think a better form of amendment than the one I communicated to you before. I have been, with the aid of my books here, investigating the question of the boundaries of Louisiana, and am satisfied our claim to the Perdido is solid, and to the Bay of St. Bernard very argumentative. I observe that Monroe and Livingston are clear in our right to the Perdido. How would it do to annex all Louisiana east of the Mississippi to the Mississippi Territory, and all west of that river, below the mouth of Arcansa, establish into a separate territorial government? Accept my affectionate salutations and assurances of esteem and respect.

"Louisiana as ceded by France to the United States is made a part of the United States. Its white inhabitants shall be citizens, and stand, as to their rights and obligations, on the same footing with other citizens of the United States in analogous situations. Save only that as to the portion thereof lying north of the latitude of the mouth of Arcansa River no new State shall be established, nor any grants of land made therein, other than to Indians in exchange for equivalent portions of lands occupied by them, until an amendment of the Constitution shall be made for these purposes.

"Florida also, whensoever it may be rightfully obtained, shall become a part of the United States. Its white inhabitants shall thereupon be citizens, and shall stand, as to their rights and obligations, on the same footing with other citizens of the United States in analogous situations."

GALLATIN TO JEFFERSON.

NEW YORK, 31st August, 1803.

DEAR SIR,—Your favor of the 23d and its enclosures were received day before yesterday. A bill shall be prepared for the purpose of carrying the treaty, &c., into effect; but neither can

you expect that the House will take up the subject before a ratification, or decide without much debate and opposition; nor is it possible to have the certificates of stock prepared until Baring shall arrive and the form mutually agreed on. I write to Philadelphia in order to have the proper paper, copper-plate engravings, and other devices necessary to prevent counterfeits, immediately prepared, but the printing cannot be executed until the form shall have been prepared; this must express the nature of the stock, the law by virtue of which issued, and, what cannot be done without Baring's consent, the mode of transferring the stock, the place where the interest is payable, the mode of paying it, and the rate of exchange, all of which is left indeterminate in the convention, the rate of exchange with Paris only excepted.

The moment he or his agent shall arrive we will agree on a form, and have the printing part executed and the blanks filled, but we cannot proceed to signing till after the law shall have passed.

For the sake of making the stock negotiable, it must be in certificates of a moderate sum, not certainly more than one thousand dollars each on an average.

This will produce eleven thousand two hundred and fifty certificates to be signed by one person, and that person (the Register) an officer who has other papers daily to compare and attest. The certificates must afterwards, and before they issue, be compared, checked, &c. It will be extraordinary despatch if they can be prepared for delivery within twenty days after the passing of the law. You may, however, rely on my exertions, and that every means which may accelerate the completion of the stock shall be adopted.

But whilst it is proper to be ready to act on the ground you have suggested, there is a strong objection to our *sending* the stock; it is not merely because the Executive will thereby assume a responsibility not contemplated by the convention, the delivery of the stock being, by that instrument, made an act subsequent to the possession of Louisiana, but because we ought to insist that the delivery of the stock here within the three months to the person duly authorized is a good fulfilment of the conven-

tion; there is no doubt of its being such both by the letter and the spirit of the instrument; and if we assent to a contrary construction, we become responsible for the delivery in Europe within the three months, render ourselves liable for the accidents of transmission and for those very delays which, if France seeks for a pretence of breaking the contract, may be used by her for that purpose.

The condition that the stock shall be transmitted by us to our minister at Paris is not a part of our agreement, but of the contract between the French government and Baring, to which we are not parties, and was inserted in this for the benefit and security of that government, who did not wish to trust the Barings and Hopes with the whole of the stock at once. We must, as I mentioned before, make every previous preparation in order to be able to adopt in October that mode which, upon due consideration, will appear the safest; but the transmission by us and at our risk does not, in my present view of the subject, appear an eligible measure.

I feel not, however, any apprehension that France intends seriously to raise objections to the execution of the treaty; unless intoxicated by the hope of laying England prostrate, or allured by some offer from Spain to give a better price for Louisiana than we have done, it is impossible that Bonaparte should not consider his bargain as so much obtained for nothing; for, however valuable to us, it must be evident to him that pending the war he could not occupy Louisiana, and that the war would place it very soon in other hands. A temporary uneasiness may indeed have existed from various causes; the communication of the substance of the treaty to England and the manner in which it was received may have frustrated the hopes of the First Consul of a misunderstanding or coolness between us and that country; he may have been disappointed on finding that instead of sixty he would receive only forty-five millions for Louisiana; for although I have no doubt of the negotiation with Baring having been part of our own, I am confident that Mr. Monroe was not privy to it, and it is very probable that that part of the transaction was not unfolded to Bonaparte until after the signature of the treaty; and it is not impossible that the French government wants only

to guard against the danger of our taking possession immediately after the exchange of ratifications and of Congress afterwards refusing to comply with our part of the agreement.

I think it, however, more probable that the uneasiness which the letters of our ministers are calculated to create has its origin with Baring or Livingston, or perhaps with both. The anxiety of the first that a convention by which he and his associates will gain near three millions of dollars should not fail in its execution, and the wish of the other that no modifications should be made by Congress in the mode of settling and paying the American claims, as well as a natural desire to persuade us that he has made a most excellent bargain, would lead both to represent every trifling occurrence as a proof that if we did not hasten the completion of every part of the transaction we might lose the object.

What persuades me of the desire of France that the treaty should be carried into effect is what they have already done towards it. The treaty is signed as of the 30th April; the powers of Sir Francis Baring are dated London, 3d May; the official proposition of Alexander Baring to the French government is dated Paris, 2d May. These propositions were communicated to our ministers by Mr. Marbois on the 4th of May. On the 10th of the same month Mr. Marbois wrote to them the letter in which he states that any extraordinary delay in making the payments stipulated beyond the three months fixed by the convention would place the contracting parties in the same situation in which they were before treating. Observe here that by Baring's proposition and contract the dates of the payments he is to make to France are determined by that of the delivery and transmission of the stock; the first payment by him at Paris being within thirty days after advice being received there of the delivery of one-third part of the stock to his agent in America, and of the transmission of the remainder to our minister at Paris. On the 22d May, Bonaparte ratified the convention. On the 28th May our ministers answered Mr. Marbois's letter of the 4th, stating that they saw no objection to the contract. On the 2d June they answered his letter of the 10th May. On what day Bonaparte ratified the contract with Baring does not appear.

The attestation of Talleyrand and that of our ministers that the signature of Maret (the Secretary of State), which, as well as that of Marbois and of Bonaparte, is affixed to the instrument, is his own, and that the act must be considered as that of the French government, bears date the 6th June. The letter of our minister, to which Mr. Livingston adds that it has been agreed to withdraw the letters of 10th May and 2d of June, is dated 7th June.

A comparison of those dates shows that the ratification of the convention and that of the contract were deliberate acts, both done several days after writing that letter of the 10th May which had given the alarm, and followed by the act of withdrawing that very letter. The period which elapsed between the two letters of Marbois of 4th and 10th May and their being answered is indeed an evidence of a state of some uncertainty, arising most probably from the negotiation with Baring not being liked by the Consul; but it is extraordinary that the letters written during that interval by Mr. Monroe, on the 18th and 23d May, show no anxiety on the subject; nay, that silence was kept respecting that point by the ministers in their letter of the 13th which accompanied the treaty, and that Mr. Monroe evinces no uneasiness till his short letter of the 2d June. Was he not kept in the dark all the time that any real ground of uneasiness might exist, and informed of it, and his anxiety as well as ours excited, only when there was no longer any reason of alarm?

I write to you as if you had Baring's contract, because the ministers say it is enclosed in their letter. I have received it from Baring himself, accompanied by a letter of the 7th June, brought by Mr. Jay, but which went round to Washington, in which he says that he will sail within a month for the United States for the purpose of agreeing on the preliminary arrangements.

I am transcribing the contract and some letters relative to it, and will transmit it to you officially, as I think it my duty to leave on record in the office proofs that the low price at which that stock has been sold (78½ per cent.) is not ascribable to the state of public credit nor to any act of your Administration, and particularly of the Treasury Department.

I agree with you that we have a right to claim that part of West Florida which was part of Louisiana; I was of a different opinion, but am now convinced.

With great respect and sincere attachment, your obedient servant.

P.S.—On reading again Mr. Livingston's post-scriptum, I see that by the instructions to Mr. Pichon, the French government agrees that provided that the stock shall be created within the three months it will be a fair execution of the treaty. By that instrument it was agreed that the delivery of New Orleans should immediately follow the exchange of ratifications, without any provision being made for the concurrence of Congress, which is necessary for the creation of the stock.

There can be no objection to agreeing on our part with Mr. Pichon that he shall not deliver the order for taking possession of New Orleans until Congress shall, by law, have created the stock; but it seems to me that we ought to insist on not delivering the stock until the place is in our possession. With expresses, and provided that every previous step has been taken to take possession on a day's warning, this will not cause a delay of more than six weeks. For fear that Baring's contract has not reached you, I add its substance.

1. The French government to deliver to the agent of the houses of Hope and Baring an act authorizing the American government to transfer to the said houses or to their representatives the 11,250,000 dollars American stock.

2. The American government may deliver *directement* to the attorney of the said houses one-third of the said stock, amounting to 3,750,000 dollars, and shall send the remaining 7,500,000 dollars to their minister at Paris, to be kept by him as a deposit pursuant to the following conditions.

3. Hope and Baring shall pay to the Treasury of France in full for the said stock, and reserving to themselves the interests and profits accruing from said stock, the sum of 52 millions of francs, viz., six millions within the thirty days following the reception at Paris of an official notice that one-third of the stock has been delivered to the agent of said houses, and that the other

two-thirds have been sent to France, and two millions monthly during each succeeding month, until the payment of the 52 millions shall have been completed.

4. Bills of exchange to the amount of 52 millions of francs, drawn by Baring on Hope, accepted by Hope and endorsed by Alexander Baring, but leaving the date of payment in blank, shall without delay be deposited in the hands of the American minister at Paris, who shall, in concert with the French Minister of Finance, fill the blanks in conformity to the preceding article.

5. On receipt of the official notice mentioned in 3d Article, the American minister at Paris shall deliver to the French government seventeen millions five hundred thousand livres of the said bills, and shall keep as a deposit the remainder of said bills and the 7,500,000 dollars American stock sent to him by the American government. Thirty days before the completion of the payment by Hope of the first bills thus delivered to the French government, the American minister shall deliver to the French government 17 millions more of Baring and Hope's bills, and to the agent of Baring and Hope one-half of the American stock in his hands, viz., 3,750,000 dollars.

The remainder of the bills and stock shall be likewise delivered by him to the parties respectively one month before the completion of the payment of the second set of bills by Hope.

As during the same two years which is fixed for the completion of the payment of 52 millions to France by Hope and Baring these houses will receive from the United States 7,200,000 francs for interest, they will have to pay in fact no more than 45 millions for the sixty millions stock, which, after making the allowances for interest and discount, amounts to 78½ per cent. for the real price they give for that stock. At that period our old, worthless six per cent. stock, which is nothing more than a short annuity, was in America at 97, and in England at 91; our three was in England at 58; our Dutch 5 per cent. was at Amsterdam at 99, and our Antwerp 4½ per cent., redeemable at will, was at this last place at 99½. Add to this that the Barings were bidders for Mr. Addington's ten millions sterling loan, which they did not get, but for which they offered to take the English three per cent. at

the then market price with a premium of only 3 per cent.; and our threes were in England worth one per cent. more at market than the English.

GALLATIN TO JEFFERSON.

NEW YORK, 5th September, 1803.

DEAR SIR,—I receive this moment your favor of 30th ult. I am very decidedly of opinion that Abraham Bishop ought to be appointed collector of New Haven.

I enclose more letters from Simons on the subject of the infractions committed on our neutrality; but am afraid that he took wrong ground in the case of the Cotton Planter, as it seems she was taken within our own limits, in which case she ought to have been claimed whether British or American property. But I really believe that it will be necessary to frame a new circular to the collectors, bringing all former instructions into one point of view, with such alterations as either result from a change in our treaties, or may appear eligible on general grounds. It will, however, be well to consider whether it may not be best to give such circular its effect only after the expiration of those articles of the British treaty which cease within two years after the signature of the preliminaries of the late peace.

I enclose an extract of a letter from Mr. Marbois received this day, and in which I do not discover anything more than the desire of obtaining as early a payment as possible.

Permit me to suggest the propriety of having everything in readiness to take possession of New Orleans, whether the prefect and Spanish officers shall be willing to give it up or not, the moment we shall have received the order to that effect from Mr. Pichon; this is recommended by the possible event of our delivering the stock on receiving only the order to take possession, and before actual possession shall have been obtained. The *disponible* regular force at Fort Adams, the militia of the Mississippi Territory, and the crews of the Kentucky boats and of American vessels from the Atlantic States then in New Orleans, will be sufficient against any force now in that place, provided that we

may arm the boatmen and sailors, and provided that the French militia of Louisiana be disposed to be at least neutral.

Although I do not share in the alarm of our ministers, I think it wise to be as perfectly prepared as if it had a real ground, and that no time should be lost in having a supply of arms at Natchez; instructions given to Governor Claiborne; and Clark, if he can be trusted to that extent, informed by a safe communication of our intentions, with instructions to prepare the way with the inhabitants so as to meet no opposition from them.

The establishment of expresses both by Hawkins and Nashville if practicable, and at all events by the last route, seems also desirable. If there is any apprehension that that force may not ultimately be sufficient, such part of the militia of Kentucky and Tennessee as may be thought necessary might be ordered, under the Act of last session, to be in a state of readiness to float down the river on the arrival of an express from Claiborne applying for such aid.

If it shall be found necessary to take possession of New Orleans against the will of the possessors, there can be no doubt of the propriety of occupying at the same time that part of West Florida which we claim. But if New Orleans and West Louisiana shall be yielded without difficulty, the policy of occupying the rest of what we claim against the will of the Spanish officers is a subject which deserves serious consideration.

With respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, 16th September, 1808.

DEAR SIR,—I have not heard from you for a long while, not since I returned the letters of our ministers at Paris and forwarded the copy of Mr. Marbois's letter and some letters from Simons. I trust that this is not owing to want of health, but feel somewhat uneasy, as I have not even received any indirect

account of you. I had waited for your opinion of the proper answer to Mr. Marbois, but have in the mean while sketched a very general answer, which I enclose for your consideration.

Finding difficulties in copper engraving which might have created delays, I have concluded to have all the certificates merely printed at Washington, and have directed the Register to take all the necessary measures to have the whole printed within ten days after notice given to the printers, so that the moment Mr. Baring arrives and the form of the certificates shall have been agreed on, the whole may be executed at once. You may, therefore, rely that the whole will be ready for delivery the day that a law shall have been passed to carry the convention into effect.

I enclose a letter from John Pintard, who resided some time at New Orleans, on the subject of Louisiana. He is certainly mistaken as to the population of the province, but some of his hints may be of service. Being disappointed in horses, having lost one on the road, and the fever here and in Philadelphia having deranged the usual travelling resources, I do not think that I will be able to leave this before the 22d instant or arrive in the city before the 30th. So far as relates to my own office, this short delay will not be attended with any inconvenience, as I have received here and am arranging the documents necessary for Congress.

With sincere respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

October 8, 1808.

Th. Jefferson asks the favor of Mr. Gallatin to examine with rigor the enclosed project of the message to Congress, and to note on a separate paper the alterations he thinks advantageous. As it is to go through the hands of the other gentlemen of the Cabinet, his immediate attention to it is desirable. He also asks the favor of Mr. Gallatin to meet the heads of Department here to-morrow at ten o'clock.

[Memoranda by Mr. Gallatin:]

European war.—May not the idea of our having so happily escaped, by the success of the late negotiation, becoming parties to it, be mentioned?

Menace of interdicting intercourse too early and unprovoked. —Add that treaties of commerce oppose it.

Conventions for limits with Great Britain, why not mentioned. —Neutral passions.

Finance to precede "War in Europe," and perhaps some parts of the two paragraphs of War and Neutrality blended as similar.

Period—what? of representations or of restoration of deposit?

Propositions had been authorized—when? prior to that period? *Quere.*

Subsequent appropriation—to what? to the authorization of propositions by Executive?

Enlightened mind of First Consul.

Treaties *now laid* before both Houses.

Introduce idea of possession of New Orleans being a bond of union, and, if possible, of prevention of early settlements beyond Mississippi.

Authorization from Legislature to take possession. Is it necessary? Will it not delay?

Omit road as not of equal importance, and perhaps Missouri.

Then add after paragraph "for confirming to Indians their rights" this: "to establish friendly relations with them."

Omit three paragraphs commencing "Authority from the Legislature" and ending "diligence and fidelity," and incorporate their substance with the preceding.

Recommendation to open for settlement the Kaskaskia country doubtful unless connected with that of preference to settlements on this side of Mississippi.

Laying treaty before ratification before Congress doubtful.

Tripoli—small vessels will be able, &c., add, "with less expense."

GALLATIN TO JEFFERSON.

REMARKS ON PRESIDENT'S MESSAGE.

1808.

[Received October 4.]

Louisiana.—1st. It seems to me that the treaty ought not to be laid before both Houses of Congress until after ratification by Senate. The rights of Congress in its legislative capacity do not extend to making treaties, but only to giving or refusing their sanction to those conditions which come within the powers granted by the Constitution to Congress. The House of Representatives neither can nor ought to act on the treaty until after it is a treaty; and if that be true, no time will be gained by an earlier communication to that body. In asserting the rights of the House, great care should be taken to do nothing which might be represented as countenancing any idea of encroachment of the constitutional rights of the Senate. If, in order to be enabled to carry on a negotiation, the Executive wants a previous grant of money or other legislative act, as in the Algerine treaty, some Indian treaties, and last session (2) two millions appropriation, an application may be necessary before the negotiation is opened or the treaty held; but when, as in the present case, the negotiation has been already closed and the treaty signed, no necessity exists to consult or communicate to the House until the instrument shall have been completed by the Senate and President's ratification: in this instance there is no apparent object for the communication but a supposition that they may act, or, in other words, express their opinion and give their advice on the inchoate instrument, which is at that very time constitutionally before the Senate.

2d. There is some ambiguity in that paragraph about the *period* previous to which propositions for obtaining New Orleans had been authorized. I presume that by that period is meant, not the time when representations were made to Spain respecting the deposit, but that when the deposit was restored. Quere, also, whether the appropriation of two millions was subsequent to

the time when those propositions, for obtaining New Orleans and adjacent territories, were authorized.

3d. Although the personal compliment to the First Consul may be pleasing to him, and on that account consistent with policy, yet it is doubtful whether it should not be omitted, because it will produce an opposite effect in Great Britain, because he is certainly very unpopular with all parties and descriptions of men in the United States, and because, if my memory serves me right, personal compliments to foreign sovereigns are not usual anywhere in communications from the Executive to the nation except under very particular circumstances. Perhaps something more general might be substituted, showing still our sense of the motives which actuated or which it may be proper to ascribe to France, and applying what we may say to the French government rather than to the Consul himself.

4th. In enumerating the advantages resulting from the acquisition of Louisiana, the most obvious, that of securing the advantages of navigation and outlet to the Western States, which is the subject of the preceding part of the paragraph, might perhaps without inconvenience be repeated next to or preceding that of securing us from collision with foreign nations. But there is another which, if it does really proceed from that event, ought not to be omitted, viz., that the acquisition of New Orleans is a most solid bond of the Union.

Another delicate and difficult subject to introduce, but which, if it could be touched, would tend to remove the only objection which, so far as I know, the Eastern Federalists have been able to press with any success, is that our object should at present be to restrain the population and settlements on this side of the Mississippi, and that the acquisition of the country west of it enables us in fact better to regulate and control the progress of our settlements. Perhaps that idea might be introduced in connection with what is said in a subsequent part of the message of the settlement of the country lately obtained from the Kaskaskias.

5th. If the authorization to take military possession is not strictly necessary, it will be much more convenient to order its being done immediately after ratification; otherwise a delay equal to the whole time employed in Congress in debating the general

question whether the treaty shall be carried into effect will take place. Situated as we are as respects both France and Spain, every day may be precious. Observe that Mr. Baring informs me that his house have advanced already ten millions of livres to France on the guarantee of Messrs. Monroe and Livingston, grounded on the authority they had to dispose of two millions of dollars; should we through any accident miss the opportunity of taking possession, both the treaty and the money may be lost. It must be observed generally that not even Congress can prevent some constitutional irregularity in the proceedings relative to occupying and governing that country before an amendment to the Constitution shall take place. I think that, at all events, it will be better not to ask in direct terms for that authorization; but some general terms may be introduced in the immediately preceding article which will cover the object, such as "for the occupying and temporarily governing the country, and for its ultimate incorporation in the Union."

6th. The paragraph in relation to the road may be omitted, as of not sufficient relative importance when compared to the other objects recommended to the consideration of Congress. I should be also inclined to strike out, for the same reason, the Missouri paragraph, especially because the result of the mission contemplated by last year's appropriation is not yet known and cannot therefore be communicated, and because, so far as relates to what Congress should do on that subject, the substance of the paragraph might also be introduced by adding a few words to that in which the attention of Congress is called to the measures rendered necessary or expedient on account of the acquisition of Louisiana. Thus, after the words "for confirming to the Indians, &c.," might be added, "and for establishing commercial and friendly relations with them," and also, "for ascertaining the geography of the territory acquired." Upon that idea the three paragraphs commencing with the words "Authority from" and ending with the words "diligence and fidelity" might be omitted, and the substance of the first and last incorporated with the preceding paragraph, commencing with the words "With the wisdom" and now ending with the words "to impair."

Indians.—1st. If the idea of laying the Louisiana treaty before

the House only after its ratification shall be adopted, a similar modification of expression would of course be adopted in the expressions communicating the substance of the treaty with the Kaskaskia tribe.

2d. Unless the idea of controlling settlements beyond the Mississippi can, as before hinted, be connected with that of opening for settlement the Kaskaskia cession, I think that, under present circumstances, it would be best for the Executive to omit the expression of an opinion in favor of extending settlements on the Mississippi within that cession, as it will be misrepresented in the eastern parts of the Union as a proof of partiality towards that western quarter, and as a wish to promote migration and to weaken rapidly the eastern interest. The subject will, without being further recommended than merely stating the cession, be taken up by the Kentucky members, who ardently wish to see a frontier settled north of them. . . .

Great Britain is not mentioned in the message, except by an allusion to her aggressions, which cannot well be omitted, but which, contrasted with what must be said of the French government respecting Louisiana, may be more displeasing to her than is necessary, and may also be misrepresented as giving, on the whole, an aspect of partiality to the message. For the purpose of removing any such impression or insinuation, and also in order to complete the *tableau* of our happy situation in every respect, might not the two conventions made with that power, by which our eastern and north-western limits are fixed and every territorial subject of dispute with them is removed, be mentioned? If a paragraph to that effect was introduced, it might immediately precede that of the Kaskaskia.

War in Europe, and Neutrality.—1st. Those two subjects are so nearly the same that I think they should not be divided by the intended Finance paragraph. This might follow the Tripoli, and, in connecting the two others, some modifications in their arrangement on account of the similarity of some of the ideas contained in them might be introduced.

2d. Without expressing anything like self-applause, but referring everything to the moderate and wise policy adopted by last Congress under great provocations, and with a due acknowledg-

ment of gratitude to Providence, I think it but fair to introduce the idea of our having, by the late successful negotiation, so happily escaped becoming parties to the war, and to contrast our situation with that of the belligerent powers, or rather with what would have been ours had a different course been pursued. In the view presented by the message, the serious evils to be apprehended by us as neutrals are above stated.

3d. It may be proper in a general enumeration to mention the propriety of restraining our citizens from embarking individually in the war. The laws on that subject are, however, as complete as possible.

4th. The sentence which conveys a menace of interdicting all intercourse appears to me much too strong for the present time. The aggressions and provocations are not yet sufficient to justify the idea; it does not seem consistent with our general policy to throw out such menace before negotiation has been tried and exhausted, and the anticipation of such state of things darkens the pleasing impression resulting from the general aspect of the message.

5th. *Arena*—this expression is rather strong as applied to the parties in the war. *Neutral passions* is ambiguous, as, instead of conveying the idea that passions should be neutralized or rendered neuter (for the observance of a neutral conduct), it seems to mean that there is a certain class of passions which are called *neutral*.

Finance.—I will not be able to give to the President the precise amount of the receipts in the Treasury during the last year (ending 30th September), nor of the balance in the Treasury on that day, as the Savannah and Charleston returns to that date will not reach me in time; but I will, within next week, give the amount of both within 100,000 dollars, so as to enable the President to say that the receipts have exceeded —— millions —— hundred thousand dollars, and that the balance amounted to near —— millions —— hundred thousand dollars. I will also, either this week or early next, be able to give the precise amount applied during that year to the payment of principal and interest of the public debt, distinguishing the payments on account of principal from those on account of interest.

As to the revenue *accrued* during the year, on which our esti-

mates of receipts hereafter must be grounded, it will be impossible to speak with any degree of precision before 5th of November. I can only say that it has exceeded the estimate heretofore made by the Secretary of the Treasury; and on which our present arrangements have been made. As to the necessity of additional taxes, my present impression, drawn from an exact review of the revenue accrued during the year 1802 and a tolerably correct one of that accrued during the two first quarters of this year, and from Louisiana resources, is that we want about 300,000 dollars. This is grounded on the following sketch. The revenue estimated by that year's report was equal, or nearly so, to the estimated expenditures of the year.

The revenue accrued during the year ending 30th June last exceeds the estimate by say $300,000

The imports of Louisiana in foreign articles do not exceed 2,500,000 dollars, which at our rate of duties will produce a revenue of about $350,000

from which deducting, viz.:

duties on 4 millions pounds sugar, the annual exports of Louisiana, and which coming in the United States duty free will be consumed there at 2½ cents per pound,	100,000	
do. on 100,000 pounds indigo do. 25 cents,	25,000	$150,000
Expenses of province	25,000	
Net revenue		$200,000

Which two items make a revenue of $500,000

applicable to new objects.

Of the 15 millions purchase-money of Louisiana, we may pay two millions in specie; the interest on the remaining 13 millions is 780,000 dollars, of which 675,000 payable in Europe, which on that account will cost at least 3 per cent. more, or 20,000 dollars. The interest to be provided is not certainly less, therefore, than $800,000

Deficiency $300,000

I am afraid of a further deduction in the revenue, on account of the slow sale of lands this year, and of the slower payments; this, however, may be considered as temporary.

If on account of the small vessels now employed for Tripoli the navy estimates can be reduced from nine hundred to six hundred thousand dollars, I think that we may venture without additional taxes; but, at all events, it will be best that the subject, if mentioned by the President, should be stated in doubtful terms, as rather a hope than a certainty, and as a subject to be investigated by Congress when they shall have received the usual estimates. The paragraph may in the mean while remain blank till the middle of next week, as that will enable me to obtain more precise results.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY, October 6, 1803.

DEAR SIR,—The navy estimates have not yet been sent to Mr. Smith for approbation, and the substance will be communicated to me to-morrow morning. I will call with it on you, so that you may write by to-morrow's mail. I find that the establishment now consists of the Constitution, the Philadelphia, each 44, and five small vessels, all of which are now out and intended to stay the whole year, as the crew is enlisted for two years. In my opinion, one-half of the force, viz., one frigate and two or three small vessels, were amply sufficient. The large item of repairs for vessels may be postponed till next year.

With respect, your obedient servant.

Thursday afternoon.

GALLATIN TO JEFFERSON.

DEPARTMENT OF TREASURY, October 28, 1803.

DEAR SIR,—I have conversed with most of the Western members of Congress respecting the possibility of raising volunteers to assist the force already prepared for occupying New Orleans. I think that I have seen thirteen out of the seventeen

who compose the delegation of the three Western States, and I believe that they have all conferred on the subject. Not only they appear to be strongly impressed with the importance of the subject, but some amongst them were more alarmed than I had expected, as it had been reported that the effective regular force at Fort Adams which may be spared did not exceed three hundred men. How that fact is I do not remember, but had believed that the regulars there would amount to double that number. The result of the conversation with those gentlemen, and which they requested might be communicated to you, is, that if the Executive shall think it necessary to call any militia or volunteers in that part of the country, it may be confidently relied on that within a fortnight after the reception of the orders by the Executives of Tennessee and Kentucky fifteen hundred horsemen, all of them volunteers and well selected, shall be at Nashville, and then proceed immediately to Natchez, which they may reach within twenty days afterwards at most. About one-third of that number might meet at Nashville a few days earlier, and march across the wilderness within a fortnight, the rest to follow in divisions of two or three hundreds as they met from the more distant parts; which will also be more convenient on account of forage for the horses. Every man shall carry his own provisions across, and will be completely accoutred and armed, unless, as there are muskets at Fort Adams, it should be thought more eligible to induce a number of the volunteers not to take their rifles, and to take muskets on their arrival. The idea of going by water must be abandoned so far as relates to an immediate expedition, because the water is too low, and then there are not on the spot any immediate means of transportation. All the gentlemen agree that as to the number of men, considering that all the crops are in, the season the most favorable in point of health of the whole year, and the general zeal of the country, five thousand men could be raised at once without any difficulty, and that the only struggle will be for having permission to go. The proportion agreed on is that Tennessee should send one-third, and Kentucky the other two-thirds.

In order to judge of the benefits which may be derived from the adoption of the measure, it is necessary to compare dates, and

this will show that they are less than if the measure had been adopted a fortnight ago. Supposing that on Monday next, 31st October, the mail should carry the order of the French government to deliver the province to our officers, and your instructions to General Wilkinson and Governor Claiborne, they shall be received at Natchez on the 12th or 14th of November, and if all the arrangements have been made according to orders, the militia which may be spared in the Mississippi Territory may be collected within a week at farthest, and the whole regular and militia force there depart for New Orleans on the 20th. This, I presume, may be considered as the greatest possible expedition.

Supposing that the same mail should carry the requisition to the Governor of Tennessee, it will reach Knoxville on the 5th November. If he shall issue his orders on the 7th, they will reach Nashville about the 10th, and as the population of that district is pretty compact (and the gentlemen here will write preparatory letters to the principal men there, which by the mail will have reached Nashville the 7th or 8th), one-half of the five hundred men may be ready to set off the 12th or 14th, and the other half the 17th. Supposing them also to cross the wilderness in a fortnight, the whole body would reach Natchez from the 27th November to the 3d December. This may be also considered as the greatest possible despatch. As to the men from Kentucky, the mail takes twelve days to go there, and it cannot be expected that their volunteers would be able to leave Nashville before 25th November to 1st December, or to arrive at Natchez before 15th December.

It results from thence that no part of the Tennessee and Kentucky volunteers can on any possible supposition reach Natchez until ten or twelve days after the time when, if the orders to Governor Claiborne go Monday next, the regular force and militia there shall have left it for New Orleans, and that the main body will arrive two weeks still later. The advantages, therefore, to result from adopting the measure are confined to the following two points:

1st. Governor Claiborne being informed at the same time that he shall receive his instructions of the expected reinforcement

and of the time when they shall arrive, may, if he shall have been informed that the Spanish officers have refused to give possession to Laussat, wait until the first corps or the whole body (according to the degree of resistance which he may expect) shall have arrived. If Laussat shall have received possession, Governor Claiborne may proceed immediately with his own force, writing by mail a counter-order to such part of the militia as shall not have yet left Nashville.

2d. He may, at all events, march a much greater part of the Mississippi Territory militia, who will be relieved from any uneasiness respecting the Choctaws by the march of the volunteers from Tennessee and Kentucky.

Thus it is possible that the regulars and militia of the Territory would in his and General Wilkinson's opinion be sufficient to overcome the resistance of any existing Spanish force at New Orleans, and that despatch was essentially necessary for fear of any reinforcement from Havana or other unforeseen causes. In that case the knowledge of the march and expected arrival of the volunteers would enable him to draw the whole active militia of the Territory and go on without losing an instant.

For those reasons, and also because I think that the expedition itself, which at a distance will certainly be magnified, will add to the opinion entertained abroad of our forces, resources, and energy, particularly as applicable to the future defence of the acquired country, and also to that which the newly-acquired inhabitants ought to have of our government, I think that the measure, even at this late hour, is eligible. Be pleased to excuse the freedom with which I give an opinion and perhaps interfere on a question so foreign to my proper business. But to lose the object at this time, to fail in an attempt to take forcible possession, would in every point of view be evils of such magnitude, that I cannot help feeling much anxiety for fear that in that event we should have to reproach ourselves with the omission of any practicable measure which might have prevented the misfortune. As to the expense, it is but a trifle compared with the object: two thousand volunteers at one dollar a day for seventy days are 140,000 dollars.

It is understood that if fifteen hundred effective volunteers are

wanted to arrive at Natchez the requisition should be for two thousand two hundred and fifty, viz., seven hundred and fifty from Tennessee and fifteen hundred from Kentucky. As a measure which will cost nothing, will, in respect to Spain, add to their opinion of us, and may under certain circumstances be ultimately serviceable, to this force might be added ten thousand nominal men from the same States and Ohio, to be only enrolled or drafted and considered as ready to march whenever called upon. There has been something said of the want of galleys which would have been useful against those of Spain. Is not there one at Bayou Pierre?

Little reliance can be placed on the regular force at Massac, Kaskaskia, and Chickasaw Bluff, unless they have already received orders to proceed. Otherwise, on account of the low water, they will arrive too late. Yet there would be no harm in pressing by immediate orders their departure.

Respectfully, your obedient servant.

JEFFERSON TO GALLATIN.

October 29, 1808.

Th. Jefferson to Mr. Gallatin.

I must ask the favor of you to meet the heads of Departments here to-morrow at 12 o'clock and afterwards to dine with us. The object is to decide definitively on the arrangements which are to be despatched westwardly the next day. General Dearborn and myself had concluded to submit to the meeting a plan little different from that suggested in your letter of yesterday. To wit, to send orders to Claiborne and Wilkinson to march instantly five hundred regulars (which are prepared) from Fort Adams, and one thousand militia from the Mississippi Territory (if the information from Laussat to them shall indicate refusal from Spain). To send hence on the same day a call on the Governor of Tennessee for two thousand volunteers, and of Kentucky for four thousand, to be officered, organized, accoutred, and mustered on a day to be named, such as that Claiborne and Wilkinson might by that day send them information whether they

would be wanted, and to march or do otherwise accordingly. I had since thought myself to propose that, on receiving information that there would be resistance, they should send sufficient parties of regulars and militia across the Mississippi to take by surprise New Madrid, St. Genevieve, St. Louis, and all the other small posts, and that all this should be made as much as possible the act of France, by inducing Laussat, with the aid of Clark, to raise an insurrectionary force of the inhabitants, to which ours might be only auxiliary. But all this, with much more, is to be considered to-morrow. Affectionate salutations.

GALLATIN TO W. C. CLAIBORNE, ESQ., GOVERNOR OF THE MISSISSIPPI TERRITORY, NATCHEZ.

Private.

WASHINGTON, 31st October, 1803.

DEAR SIR,—You will receive by this mail instructions from the proper Department for taking possession of Louisiana, and for the temporary government of the province. It is understood that the existing duties on imports and exports, which by the Spanish laws are now levied within the province, will continue until Congress shall have otherwise provided. By next mail I expect to be able to write you an official letter on that subject, which will probably reach you before you can act upon it. Generally for all moneys which you may receive on that account you will be accountable to the Treasury; but I hope that we may get a law passed in time to relieve you from any trouble on that point.

The late hour at which the interference of Spain has taken place has prevented the collecting of as great force at Natchez as might, under existing circumstances, have been desirable. But I still hope that, even in the case of counter-orders having reached the Governor of Louisiana (which is improbable), you will have enough to take possession, provided that you shall not lose an instant. Five hundred horse militia are ordered from Nashville; but I do not believe that, supposing the greatest despatch, you can expect them sooner than in a fortnight after you shall receive

your commission and instructions; and, although I am a very bad judge of military operations, I much doubt whether ten days gained in point of time will not be of more importance than that reinforcement. If your regulars and territorial Mississippians afford you seven or eight hundred effective men, and the Governor of Louisiana has received no reinforcement, I think that on your floating down and appearing in view they will receive you. But if even resistance should be expected, although there may be some risk in a coup de main, it appears to me less hazardous than delay. Your present force, compared with that of New Orleans, is, in my opinion, greater than any reinforcement which the militia of the Western States can afford, compared with an addition of three or four thousand regulars from Havana, which that government may easily make if they are serious in their opposition to the treaty and you shall give them time. That danger, that of their being reinforced by water, appears to me to be the greatest we have to apprehend. On that account would it not be practicable (supposing that on your arriving at New Orleans you should find yourself too weak and not sufficiently supported from within the place to risk an attack) for General Wilkinson to take such position as, whilst it gave security to his force, might enable him to intercept such reinforcements? Might not our merchant shipping in the river be used in some degree for that purpose, or something of the nature of gunboats or floating batteries be placed in the river? I mention this partly because the law to take possession having contemplated only the use of the army, navy, and militia in existence, and not the increase of naval force by purchase or otherwise, I think that nevertheless you should not hesitate to adopt any such measures which the emergency of the case will require, there being no doubt that Congress will sanction every necessary expense of that kind.

I thought of only apologizing for my not writing you by this mail on money matters, and have digressed to that subject which at present engrosses our whole attention. But I know that you have powers altogether discretionary, and you will of course consider this as the private communication of a friend who feels with all others extremely anxious on this important occasion, but whose opinion must not in any manner control your own judgment. I

must add that I coincided strenuously in the idea of sending immediately the Tennessee detachment, although they might not arrive in time to assist you in taking possession, because, at all events, their approach would enable you to draw a greater force from the Territory, inasmuch as they would relieve you from any apprehension on the part of the Choctaws.

Please to give my compliments to General Wilkinson, in whose promptitude and decision his friends place great confidence in case of an attack being necessary; and accept my best wishes for your joint success.

I remain, &c.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, November 8, 1808.

DEAR SIR,—By conversation with Dr. Jones I find that the Bentleys, who apply for the office at Yaocomico, are Tories: why Mr. Taliaferro recommended one of them I cannot understand. But Dr. Jones lives within three or four miles from the spot, and his information is certainly to be preferred. Major Tapscott is the Republican candidate: as there is no surveyor or other officer in the district, it will, notwithstanding the importance of the office, be eligible to fill it early, as a vessel might land there a cargo without a single individual opposing it.

I enclose the rough draft of the answer to Governor Harrison; if the discretion given to him be too great, please to correct it. I have modified the express prohibition against those concerned in any lick, as I believe that almost every applicant was concerned in some small spring or other. Mr. Bell, I know, was so engaged. Mr. Bedinger of Congress has given me a letter from a Mr. Morgan, who he says may be depended upon as to veracity, although he may be mistaken in the quantity of water, and which I enclose on account of his information respecting Mr. Bell.

Several of the memoranda enclosed by Mr. Clark to Mr. Madison deserve notice, and I have noted such as relate more particularly to the Treasury Department. It is necessary to observe that none of the general officers of the Spanish province of Louisiana can be appointed, and perhaps very few can be

removed by the governor or intendant; and that great many of those offices ought immediately to cease, or to be exercised by other persons. I think, therefore,

1st. That the collector of Natchez (Mr. Trist) should by next mail receive a commission vesting in him the powers heretofore exercised by the *Administrator*, *Treasurer*, and *Contador* of the custom-house, which will enable him to collect the revenue.

2d. That the governor (Claiborne) should be specially authorized and directed to suppress all useless offices, and to suspend all officers as he shall think fit. In order to throw light on this subject, I enclose two papers which I have extracted from the several documents sent by Clark, and which are much more correct than his own results, as from having neglected to analyze the Treasurer's accounts, of which he had obtained a copy, he had supposed the expenses of the province more than two hundred thousand dollars greater than they really are.

The first paper on "Receipts and Expenditures for 1802" is authentic, being the real account for that year. The other paper is the estimate of the annual expense drawn in 1785, but corrected for 1803 by the contador of the army, and arranged by me for the purpose of classifying the several species of officers: it will, though only an estimate, give more information for the intended object than the account.

I have preserved copies of neither, and will occasionally want them again. I think that they ought not to be printed with the other papers, as they bear evident marks of official documents, and would injure the person from whom obtained, who is the same whom Clark recommends for Spanish consul at New Orleans.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.[1]

DEPARTMENT OF THE TREASURY, December 18, 1803.

DEAR SIR,—Wherever our moneys may be deposited, the Treasurer's draft for the same has the same credit as any bank-note, and the circulation of those drafts would be more extensive than now, if they were, like bank-notes, payable to bearer. Unless, however, we wanted, which we do not, to issue exchequer bills or paper money of some description or another, it never will happen that our drafts shall be issued except in payment of a demand, and made payable to the person whose demand is thus discharged. The great advantages we derive from banks, and especially from the Bank of the United States, are:

1st. A safe place of deposit for the public moneys.

2d. The instantaneous transmission of such moneys from any one part of the continent to another, the bank giving us immediately credit at New York, if we want it, for any sum we may have at Savannah, or at any other of their offices, and vice versa.

3d. The great facility which an increased circulation and discounts give to the collection of the revenue.

For these reasons I am extremely anxious to see a bank at New Orleans; considering the distance of that place, our own security and even that of the collector will be eminently promoted, and the transmission of moneys arising both from the impost and sales of lands in the Mississippi Territory would without it be a very difficult and sometimes dangerous operation.

Against this there are none but political objections, and those will lose much of their force when the little injury they can do us and the dependence in which they are on government are duly estimated. They may vote as they please and take their own papers, but they are formidable only as individuals and as merchants, and not as bankers. Whenever they shall appear to be really dangerous, they are completely in our power and may be crushed.

[1] See the letter to which this is in reply, in Jefferson's Writings, iv. 518.

As to the answer to the letter, I agree fully with you, and intended only to give a civil answer, without committing us on the question of expediency. It shall be altered so as to *answer* that object.

What must be done with the New Orleans hospital, and Dr. Bache's indirect application for increase of salary? One thousand dollars is fully sufficient; we give no more anywhere else.

With sincere respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT TREASURY, January 11, 1804.

DEAR SIR,—Mr. Baring has concluded, notwithstanding Mr. Pichon's entreaties, not to take the stock till we shall have heard from New Orleans. He urges that it is not just that the risk, however improbable the event, of our not obtaining possession should fall on him, which he says would be the case if he gave a receipt for the stock before we knew that we have possession. I offered to give him the certificates leaving the date of interest in blank, we agreeing merely that it should be filled with the day of taking possession whenever known; and I told him that next week, being the last of the three months, I would insist on his taking the stock, and on his refusal would deliver it to Mr. Pichon. He says that in that case he will take it, as our forcing it upon him will be a pledge of our obligation to pay even if we should not obtain possession.

As Mr. Pichon is much disappointed, I beg that the moment you may hear from New Orleans you will have the goodness to drop me a line stating the day when possession was obtained.

Respectfully, your most obedient servant.

Wednesday.

It was agreed by Mr. Pichon, in the course of the conversation, that our delivery of the stock would be a nullity in case of our not obtaining possession, as the United States were not bound by the treaty to pay if France did not comply with the treaty.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY, 18th January, 1804.

DEAR SIR,—Mr. Harvie called on me this evening to inform me of his being selected to carry the stock to France, and wishing that this might be ready to-morrow. The stock is ready, but there are two circumstances to be attended to.

In the course of the transaction I have always reminded Mr. Pichon that we were neither bound to transmit the stock nor liable for any accidents which might attach to the transmission; but that, desirous of assisting in everything which was convenient for the French government, we would transmit the stock in such manner and by such means as he would himself select; and I have obtained from him an official letter stating that the warrant of the Secretary to the Register of the Treasury to deliver one-third of the stock, and to transmit the other two-thirds, was to be considered and held as a complete fulfilment of the engagement entered into by the United States to transfer the stock within three months after the exchange of ratifications; and in the same letter, which is also signed by Baring and addressed to the Register, this officer is directed by them to transmit the stock by the first public vessel or safe opportunity. It was at the same time verbally agreed that Mr. Pichon should pay the extra expense of the provision vessel touching at a French port, and also that the stock should be placed under the care of an officer of our navy. The selection of your private secretary must appear so eligible to him that he certainly will not object; but I think that, in order to guard against any possible accident, it is proper to obtain his assent in writing to Mr. Harvie being the bearer.

The other consideration is that of expense. Doubting, as we were not bound to transmit the stock, of the authority of incurring expense for that object, I put down a few days ago, in a small additional estimate of appropriation sent to the Committee of Ways and Means, an item, for the printing and transmission of the certificates, of 1500 dollars. In the mean while it seems proper that the expense should not be larger than necessary. By the arrangement with Mr. Smith, as an officer was to be the bearer,

no other would have been incurred than the price of his passage to and from Europe; and it was intended that he should leave the stock with our consul at the first French port, and should proceed in the provision ship to Gibraltar, where he might join the squadron if wanted, or return in the vessel. If Mr. Harvie shall go, is it intended that the same course should be followed? or is he to go to Paris?

In either case is he to receive a compensation, —— paying his passage? and if so, from what fund should it be paid if the proposed appropriation should not pass?

I will call to-morrow morning on you, but send this letter in order that you may be ready to decide, as Mr. Harvie told me that he wished to go immediately as far as Richmond. Should he, when arrived there, find it inconvenient for family reasons not to proceed, provision must also be made for the mode of transmitting the stock from thence to Norfolk.

I enclose the sketch of a letter intended for Mr. Pichon.

With sincere respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

1804.

Th. J. to Mr. Gallatin.

I have always proposed to reappoint General Gibson to his present office, wherein I hear of no complaint against him. Neither his age nor understanding entitles him to anything beyond that, and equal to his ancient military rank.

I personally know those who recommend Dr. Baldwin. Kinney is a good man, but as a Federalist feels no great interest in our making good appointments. Judge Stuart is my intimate friend and *élève*. He would not lead me into a scrape; accordingly, in his letter there is not one word of Baldwin's talents, and from a conversation or two with the latter, I should suspect him to be ignorant. The best person I know for the hospital at New Orleans is Dr. Barnwell, of Philadelphia. He applied the last year, and I had a book of his to judge him by, and from that concluded his talents perfectly adequate and beyond what

we could expect to get for that place. I wrote to Philadelphia to Dr. Wistar particularly to learn his character; his report was strongly favorable. But as it proved that Bache would accept, he was preferred. There is a Dr. Wallace who stands next to Barnwell among the candidates, but he is a Virginian. Baldwin had better be informed that no appointment being made, no other answer is ever given to anybody.

Among the candidates for the light-house at Old Point Comfort, Captain Eli Vickery seems decidedly the best. There is a Mr. Bingham from Richmond well recommended, but it must be quite out of his line; whereas Vickery is an old sea-captain. Nothing is said of the politics of either, but both are recommended by the best Republicans. If you know no reason to the contrary, appoint Vickery.

I think it would be well to consult Mr. Huger as to Captain Tucker Howland for the light-house on North Island. Should he know nothing against him, I suppose he must be appointed on Mr. Stevens's recommendation.

There are two matters which were the subjects of conversation between us the first year of our being in the Administration, and which were reserved for future consideration, which, as I always forget to mention when I see you, I will now notice in writing. One was the adopting some means of ascertaining the exports from and the *imports consumed* in each State respectively. This would be an element in our political arithmetic which it might be useful to possess in the various estimates and views of our affairs. I remember you thought, primâ facie, it could be done without great trouble. The other was the laying before Congress at some time of every session a calendar of, 1, the interest of the public debt paid in each year; 2, the principal paid or added; 3, the principal remaining due at the end of each year. This calendar to be carried back as far as possible, even to the commencement of the present Constitution if practicable. This would be laborious; but could not some one of abilities and disposition proper for it be selected and employed on it solely until completed? Would it not be useful also to oblige our successors, by setting the example ourselves, of laying annually before Congress a similar calendar of the expenditures, 1, for the civil, 2, the military,

3, the naval departments, in a single sum each? The greatest security against the introduction of corrupt practices and principles into our government, which can be relied on in practice, is to make the continuance of an Administration depend on their keeping the public expenses down at their minimum. The people at large are not judges of theoretic principles, but they can judge on comparative statements of the expense of different epochs. When you shall have bestowed some thought on these subjects, we will have conversation on them. Affectionate salutations.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, February 11, 1804.

DEAR SIR,—It is necessary to know where Eli Vickery lives in order to notify him of his appointment to keep the Old Point Comfort light-house.

The enclosed you have already seen, and I have already communicated my opinion of Davies's inability, which is rather felt than susceptible of positive proof. The employment of clerks of inferior abilities is known already at the Treasury. I might write to Gatewood if it shall be your opinion that on his testifying the truth of the allegations Davies shall be removed; it is proper to state that Gatewood was the candidate for the office when Davies was appointed, and is of course inimical to him. Your idea to suffer the man to die appears to me dangerous.

The last six months that a man who is not fit for the office remains in it are always those during which confusion of accounts and delinquency either take place or increase beyond bounds. Witness Habersham, Holmes, Bird, Lamb, Delaney, E. Livingston, &c. [——] is the only instance, to my knowledge, where a delinquency of several years' standing had not increased for the four or five last he was in office. Whenever a successor shall be appointed, it is desirable that he may have activity, assiduity, and competent talents; for Norfolk may now be ranked amongst the large ports, and the office of collector, if well executed, will require the constant attention of the officer. The only man

who has been mentioned to me is Tazewell, by whom I do not recollect, but I believe by Mr. Madison.

I have this year, with much labor, laid the foundation in the report on the sinking fund of the *public debt calendar*, by stating with perfect correctness the application during the year 1802 to principal and interest. I had intended to add to it the state of the debt at the commencement and end of the year; but the statements prepared for that purpose did not please me, and I had not time to correct them before the report must necessarily be made. I have them now on hand in order that they may appear in next year's report, and I may set any clerk, with very little superintendence, to pursue the subject, on the same plan, from year to year back to any given year.

I am afraid that an account of coastway exports cannot be correctly obtained, and if obtained would not give the true amount of produce of each State.

Thus, Alexandria exports (to other States) Maryland tobacco and flour and Pennsylvania flour; Baltimore exports much Pennsylvania produce, Petersburg a considerable quantity of North Carolina do., &c. I will, however, take the subject under consideration, and see whether any returns may be required from the collectors which will assist in forming an estimate.

With respect, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT OF TREASURY, 15th February, 1804.

DEAR SIR,—Wilson Nicholas called again on me this morning, and seems to prefer an office in New Orleans for his nephew. Yet there is a difficulty, as we must have all the custom-house officers at New Orleans immediately, and the business of the commissioners at Mobile will not be terminated till in the course of the summer, and perhaps later.

The vacancy on the bench occasions already conjectures and half-applications. Wade Hampton is anxious for Mr. Julius Pringle. Of that gentleman, whom I never saw, I know only

that he was considered, when pleading before the Supreme Court of the United States, as extremely wild, and that he has assisted the Yazoo companies with his professional advice, a circumstance which may perhaps have some weight with Mr. Hampton. The importance of filling this vacancy with a Republican and a man of sufficient talents to be useful is obvious, but the task is difficult. As there are now two circuits without a residing judge (the circuit of Virginia and North Carolina having yet two), the person may be taken from either. If taken from the 2d district, Brockholst Livingston is certainly first in point of talents, and, as he is a State judge, would accept. If taken from the 6th district, unless you know some proper person, inquiry will be necessary. Parker, the district attorney, seems qualified, but he is a Federalist.

I am told that the practice is as loose in Georgia as in New England, and that a real lawyer could not easily be found there. But South Carolina stands high in that respect, at least in reputation.

With great respect, your obedient servant.

GALLATIN TO JEFFERSON.[1]

DEPARTMENT OF TREASURY, February 21, 1804.

DEAR SIR,—Dr. Stevens's case shall receive a full and candid investigation. But it embraces several important considerations both as to constitution and law and as to facts; and I fear that I may not have time to apply my mind to it before the numerous Congressional subjects with which I am still engaged shall have been disposed of. So far as relates to this Department it must go through two stages, viz., settlement of accounts, and payment. Although from the general superintendence vested in the Secretary there is no impropriety in his interference, and it may even be his duty in certain cases to interfere in questions arising in the settlement of accounts, in this instance, whatever

[1] See the letter to which this is in answer, in Jefferson's Writings, iv. 528.

my opinion may be, I certainly will yield to yours if, after a full examination, you shall differ; and will, if Mr. Duval assents, give to that part of the business any direction you may think eligible. Permit me at the same time, with perfect respect and great deference to your judgment, to say that, so far as relates to payment, this being a question of appropriation of which the Secretary of the Treasury is, in the nature of things, left sole judge, and for which he is alone responsible, it seems to me just that on that point he should be permitted to act in conformity with his own view of the subject. In saying this I do not by any means intend to prejudge the case on either of the questions arising under it, farther than I have already done, and I certainly will reconsider them with great attention.

I enclose some letters respecting Banning, which left a very unfavorable impression on my mind. I have no doubt that, after having misconstrued the law, he misrepresented the opinion I had given. I have seen him; he is an extremely weak young man; of his incapacity you need not entertain any doubt; his only qualification is to write a good hand; and he is extremely obnoxious. I enclose a letter just received from Mr. Davies, the collector of Norfolk. Does it require an answer? The letters to Mr. Rodney are returned. I will write immediately to Mr. McCreery respecting Molier.

If a Frenchman is to be chosen, D'Herbigny may, I think, be trusted. He is generally esteemed, writes English with sufficient correctness, and is with us,—an American much more than a Frenchman.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY, 15th March, 1804.

DEAR SIR,—Conversing with Mr. Madison on the subject of Mobile, and of our regulations respecting the Mississippi, he seemed to apprehend some difficulty in justifying our conduct, or rather instructions, to impartial men.

If upon a full consideration of the subject that difficulty shall be obvious, it would follow that we have not taken solid ground.

That question you must decide, and I write only to express a wish that you will examine it as if it had not yet been decided.

For, should you, upon the whole, think it best not to persevere in some one of the rules we had adopted, and especially in that which forbids Spanish vessels ascending the Mississippi to Baton Rouge, I will undertake to relieve the Executive from any *apparent* fluctuation by writing to Trist that the President, upon full consideration of the instructions which *I* had given to the collector, has directed me to alter so much thereof, &c.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT TREASURY, 28th March, 1804.

DEAR SIR,—Under the law providing for the sale of lands in the Indiana Territory, three new land offices are to be established, viz.: at Vincennes for the tract around it, at Kaskaskia for the new purchase on the Mississippi and Ohio, and at Detroit for such lands as are public property in that quarter; and the register and receiver are made commissioners to examine existing claims to lands in each district respectively, and to report to Congress.

The first step to be taken in relation to the Detroit district is to ascertain whether the title to any vacant lands has been extinguished, and to authorize some line of demarcation between the Indians and the United States. Until that shall be done it is not practicable for the Secretary of the Treasury to give any directions to the Surveyor-General respecting the surveys.

It is also necessary to ascertain whether no other Indian tribe but the Kaskaskias has any claim to the large purchase on the Mississippi and Ohio before the Indian boundary-line can be run with safety. I will only observe that in relation to this and the other district, it will be important that the Indian boundary-

lines should be run under the direction of the Surveyor-General, and not by any special agent appointed for that purpose by the War Department. The powers of the Surveyor-General now extend to the whole Indiana Territory, and those Indian lines being the outlines of the public lands, it will create much confusion unless the whole shall be done by direction of one person; the Surveyor-General would, of course, receive on that subject the instructions from the War Department, if any shall be found necessary.

The Indian boundary-line of the public lands in the State of Ohio was run in that manner, and serves to connect all our surveys, and I expect that the surveyor of the Mississippi Territory will have as much trouble and incur as much expense in tracing General Wilkinson's boundary-lines as if he had run them originally himself.

The Indian boundary-line of the Vincennes tract being ascertained, the Surveyor-General will be instructed immediately to survey, and every endeavor used to have the claims there examined, and reported to Congress next fall, so that the public lands may be ready for sale early in 1805.

In each of the three districts a register and receiver will be necessary to act as commissioners on the claims; but as they will not meet in that character and as a board till September, there is time enough to find proper characters for receivers. The registers, however, as they are to receive, file, and record all the claims of individuals, should be appointed as early as possible, in order that they may have opened their offices and received the claims before the meeting of the board. This is especially necessary at Vincennes, where everything else is ready. At neither of the three places do I know any person fit for the office: there will be more found, however, at Detroit than in either of the other two. A Mr. Bates, brother of the prothonotary of Pittsburgh, has been highly recommended. Mr. Jewett, unless his present office is better, would be the best qualified from what he has already done there.

For the office of register at Vincennes permit me to recommend to you John Badollet, of Greene County, in Pennsylvania. I know no man of more strict integrity or better qualified for

that office, and he has long been desirous to remove to that place, where his tried Republicanism would, I think, be useful.

There is but one objection to him, which is that of being my intimate personal friend, having been brought up at college with me and removed to the United States a short time after me. As to language, he speaks English better than I do, and has been for twelve years the only efficient associate judge of his county. A letter on that subject is enclosed, which Mr. Smilie put in my hand yesterday, and has induced me, though reluctantly, to make this application.

A Dr. Gano, of Kentucky, was recommended for receiver at the same place; but he is liable to intoxication. Mr. Monroe has recommended a Mr. Michael Jones for either of the offices, and Mr. Worthington a Mr. Hoffman, of whom I have heard Holmes and others speak highly, and who is now clerk of their Legislature.

There is also an agent to investigate claims and defend the United States against frauds in that respect in the Mississippi Territory, who should be appointed immediately. There is already one applicant, a Mr. Easton, of New York, who appears to me, from his looks and conversation, an amphibious character; and one person has been recommended whose appearance in point of talents, &c., is prepossessing, a Mr. John Taylor Lomax, of Port Royal, in Virginia.

A surveyor of customs is to be appointed at Marblehead, but Crowninshield requests that we may wait till we hear from him on that subject.

A collector at Mobile should also be appointed. If Mr. Nicholas is to be the man, there will be no difficulty, and the district may be created at once.

It would have the good effect to prove to Spain, by making Fort Stoddart the port of entry, that we have no intention to exercise jurisdiction under the 17th Section of the revenue law within the Territories in her possession.

These do, I believe, constitute all the objects immediately pertaining to the Treasury Department which may require your attention before your departure.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

WASHINGTON, 5th April, 1804.

DEAR SIR,—I sincerely hope that you have on your arrival found Mrs. Eppes in a fair way of recovering. The weather and city have been gloomy enough since your departure; and Mrs. G. is anxious that I should take her to New York. If I can possibly complete in time the business and arrangements resulting from the laws of last session, I will try to do it early enough to be back here when you shall return.

Messrs. Duponceau, Barnwell, and Lomax have been written to. Nothing new in this Department beyond the mere routine of business.

I enclose some very lengthy, though crude and ill-arranged, observations on Dr. Stevens's claim. Yet the argument drawn from his mission not being to the authorized government of a foreign nation, appears to me conclusive to prove the impropriety of applying to that object the moneys appropriated for intercourse with foreign nations. And the more I have considered the case the more have I been convinced that it was a claim *sui generis*, a decision on which could affect no other; that none of a similar kind in all of its parts had ever been admitted by mere Executive authority, and that it seemed to be, in a peculiar manner, one that wanted legislative sanction.

He called on me last Sunday, and I mentioned my opinion to him; he rather acquiesced, except in that which related to the evidence of a contract. On that part of the subject I might have added some further observations.

With sincere respect and attachment, your obedient servant.

Enclosed you will also find copies of all papers in the Treasury which relate to Dr. Stevens's claim.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 12th April, 1804.

DEAR SIR,—The enclosed letters from Governor Claiborne to Mr. Madison were communicated to me with a request that they should be transmitted to you. On the subject of the seamen, Mr. Trist will receive the proper instructions as soon as Dr. Barnwell's answer shall have been obtained. But Mr. Claiborne's conduct respecting the establishment of a bank appears inexplicable, for you will find by the enclosed paragraph of a New York paper that, without waiting for an answer, he has already authorized the institution. In so doing, he appears to me to have exceeded his powers; and he has thereby, without his knowledge, it is true, acted contrary to the intention, and even to an act of Congress, and will probably defeat the establishment of a branch bank, which we considered of great importance to the safety of the revenue, and as a bond of union between the Atlantic and Mississippi interests.

His powers were no greater than those of a Spanish governor or intendant; and these were confined to temporary ordinances, and not to the making of laws of a permanent nature, much less to granting charters which could not be revoked by a successor. The argument indeed of the governor, drawn from the general power of passing ordinances for the improvement of the province, shows that only temporary ordinances and such as might be revoked would have been meant, otherwise it would have been a complete transfer of the legislative authority. But Mr. Claiborne knew also that the powers vested in him were so loosely defined through necessity alone, and on account of the urgency of the case; he knew that they were given for a short time, and that every mail might supersede them by the arrival of a law establishing a permanent form of government; he must have been fully aware that an *Executive* charter was unknown to our government, and he should have felt that of all acts of government none perhaps was more delicate, none required greater discretion and caution to guard it against improper speculations, than the granting of a *bank charter*. It seems inex-

cusable that he should, under all those circumstances, have abused the confidence vested by the Legislature in the Executive, and by the Executive in him, by doing an act of the highest legislative nature, and one which (except by himself) cannot be revoked, without even consulting the President or Secretary of State; and I cannot account for this strange conduct in any other way than by ascribing it to the arrival and influence of Edward Livingston. The speculation shall have been forcibly pressed on the governor, and he has, unfortunately, yielded. I wish that, at least, he may not be personally concerned, but have been informed, through Lyon's channel, that General Wilkinson was interested in it.

That the Legislature had in view the establishment of a branch of the Bank of the United States is evident from their acts; and the law which extends to the ceded Territories the operation of all the acts concerning the Bank of the United States precludes, during the continuance of its charter, the establishment of any other bank in the said Territories. The establishment of a branch was so advantageous to the revenue, and, on account of the distance, so inconvenient to the Bank of the United States, that it is with great difficulty, and by making arrangements for the sole purpose of surmounting the difficulties in the way, that I was able to prevail on that institution to assent to the measure. Much do I apprehend that they will seize this opportunity of refusing to proceed; and it is truly vexatious that the plans of this Department, carried under the sanction of a law, should be defeated by such unexpected and unauthorized interference. I will write to Governor Claiborne, but can only write a private letter, as there is no connection between his office and the Treasury. My idea is that he should, by virtue of the same authority which granted, revoke the charter, leaving the Louisiana bank on the footing of a private association.

With sincere respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

MONTICELLO, April 15, 1804.

DEAR SIR,—According to the letter of Mr. Wagner enclosed in yours of the 7th inst., on the subject of the misnomer of the inspector for Indiantown, a commission should have been enclosed; but none came. Neither of those letters mention either the real or mistaken name, nor does my memory help me to either, and I have no papers here which can recall the case to my mind. I can only observe generally, therefore, that if the name given to the Senate was true as far as it went, but defective in an intermediate initial only, I should doubt the necessity of a renomination to them, because, although the name is the usual and best means of designating a person, yet the law allows it to be supplied where defective, or even corrected where wrong, by any other evidence sufficient to establish the identity. It is probable that circumstances of residence, or of character, or of some other definite mark, would show that both the Executive and Senate had the same individual in their mind on whom they meant to bestow the office. However, till I know the degree of misnomer, and whether there exists any other person to whom the designation of name and other characteristics would apply, I cannot say what had best be done. I presume the commissions will come in both forms; it may be added that to fill by a temporary commission an office which became vacant during the session of the Senate, though sometimes done in cases of unavoidable necessity, is yet against the letter of the Constitution, and as much an irregularity as to disregard a literal error in a name.

I have read with attention your observations on Dr. Stevens's case, but have not as yet had time to weigh them fully; primâ facie, I think your outworks stronger than your main citadel. The want of the best evidence which the nature of the case admits, and the illegitimate character of that adduced, are circumstances to which my attention had not been drawn by anything which had preceded. Should they ultimately prove a bar, the case may go off without a decision on the principle

which had been in question. Though still I think we had better endeavor at some such modification of the principle as, uniting practicability with legal authority and constitutional safety, may enable us to act in union.

W. C. N. called on me two days ago; he had not completely made up his mind, and, mentioning that he proposed to go to the spot to satisfy himself, expressed a wish that he could receive the commission there, and accept or decline it according to the judgment he should then have formed. I told him that was impossible, because we held ourselves in duty bound to permit the incumbent to resign, which would require probably to the end of May before a new commission could be in his hands. On that consideration, which he approved, he declined his journey, and I told him I would ask the favor of you to take immediate measures to wind up the present commission with as little delay as should be consistent with a resignation. We may therefore now consider his determination as fixed, and awaiting only your movements.

A letter from Leghorn of February 4 informed me Preble had taken a Tripoline vessel with seventy men, bound to Constantinople with presents to the Grand Signior. I wish he had had the boldness to send the presents in a vessel of ours to the Grand Signior, as an offering of our respect; perhaps (as they must still exist in form) we should do well to order it now, accompanying them with a letter from the Secretary of State to their Minister of Foreign Affairs. Accept my affectionate salutations and assurances of respect.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, WASHINGTON, 16th April, 1804.

DEAR SIR,—I enclose a correspondence with Mr. Merry respecting the mode of collecting duties in Canada, and a letter concerning Commodore Whipple, which I presume to be the result of some inquiries on your part. The subject of the Louisiana intruders is very delicate. The law will not be in force till

October, and the first question is whether the governor or any other inferior authority of Louisiana had under the Spanish government the power to remove persons settling on the public lands without leave. Without having any positive knowledge of the fact, I take it for granted that they had. If so, it seems better to prevent than to exclude. Power might be given and instructions transmitted to remove immediately all those who would settle on public lands after the date of the proclamation to be issued on the subject,—the proclamation to give a certain time to all intruders who might have settled between —— December last and the date of the proclamation. With vigilance the officers may be strong enough to drive away one by one every person who shall intrude on the lands subsequent to the day proclaimed; and perhaps they might fail in an attempt to remove those who were intruders previous to that date. Perhaps some discretion might be given to the officers. If the settlements are on the river, a boat going up and down might be useful. The small force of the United States did actually prevent any settlement on the north of the Ohio, except on lands purchased from Congress, from 1783 till 1795.

From 1783 till 1786 the Indians were not dangerous, and repeated attempts were made to settle. A company was kept going up and down the Ohio from the Pennsylvania line down to Cincinnati; they had to burn every cabin; in some instances, though not generally, they laid down or burnt the fences; the men generally absconded, and the women and children were taken across the river to the next settlement, which usually was just opposite. But it was necessary to repeat the operation, and I know persons whose cabins were burnt and settlement destroyed three times. No blood was shed, and the perseverance of the troops gained the point.

There is, however, here a greater difficulty. In the case I have mentioned, every person found north of the Ohio was an intruder, and liable to be removed; now it will be more difficult to discriminate.

At all events, I think that a general proclamation from yourself should precede military expulsion: it would certainly have a powerful effect.

Mr. Duponceau declines going to Louisiana. Dr. Barnwell will go.

With sincere respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

MONTICELLO, April 27, 1804.

DEAR SIR,—I return you the papers concerning the duties payable in the Western ports, and consider the opinion you have given as a sound one.

The case of the Louisiana squatters is a serious one from its magnitude, yet to be touched with a hand as careful as firm. A proclamation must doubtless precede any act of force. The cases may be analyzed in the following gradation: 1st. Squatters since notice of the Treaty of St. Ildefonso, without any authority. 2d. Possessions taken under regular forms, but of dates subsequent to notice of the treaty. 3d. Possessions under regular forms, of dates prior to that notice, but liable to suspicion of being antedated. As to the first class there can be no doubt; and little, I think, as to the second. The third alone will require care. They may be subdivided into settlements already made, and those which may be now attempted to be made; the last may be prevented with more boldness, but the former would require judgment and temper. Yet they are probably the most material to break up. As we are to appoint commandants to take place October 1, if we should select the best of those, and send him immediately with the powers of a Lieutenant-Governor of Upper Louisiana, but under such a title as their laws recognize, I think we might trust him with this power; either giving him original or appellate powers from the present military officers. Among the persons talked of between General Dearborn and myself for future commandants, Thomas Blount is the one who, I think, possesses the most understanding and discretion. I should not fear to trust him. He might accept, perhaps, on an assurance of succeeding as colonel commandant. As I shall be with you in a fortnight, it may be thought of till

then. I meant to be understood in my former letter that though W. C. N. had wished to be allowed to make up his mind finally after arriving at the spot, yet, when I informed him that could not be, he came at once to a decision to accept. He wishes to be there as soon as possible, because he fears the putting the office in order may take considerable time, and detain him there in the sickly season, which he would much dread in the beginning; consequently, the sooner the change can now be made and notified to him, the better. Accept my affectionate salutations and assurances of great respect.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 3d May, 1804.

DEAR SIR,—Finding your return somewhat retarded, my anxiety to take Mrs. Gallatin to her father and to place my children at school induces me to go now, as I presume I could not have left this city for some weeks after your return. I expect to be absent three weeks from this day, and hope I shall not be wanted during that time. Finding the business of the supervisor of Massachusetts brought to a close, I have anticipated your decision and written to him that his office was suppressed. I was prevented from doing the same in Tennessee and Virginia only on account of the provisions enacted last session respecting the redemption of lands sold for non-payment of taxes. The necessary arrangements have been made to carry into effect the land and revenue laws of last session, with two exceptions, viz., the appointment of a register at Detroit and of an agent at Natchez. For the first office there are two characters at Detroit, Bates and Lewis Bond. The first is preferable, so far as I can judge, but may be wanted for receiver. For the other office, Mr. Poindexter, attorney-general of the Territory, is recommended by Mr. Briggs and by Mr. Williams. The remittances for the Dutch debt are paid for, and made so as to meet all demands there till 1st June, 1805, and the instalment of September, 1805, will be anticipated and paid this year.

In every arrangement not connected with this Department which may be adopted, I have but one observation, which is to request that the Treasury may not be pressed this year beyond our former calculations. The Norfolk act will cause some defalcation this year. I allow three hundred thousand dollars to the Secretary of the Navy for the equipment of the four additional frigates: he wants four hundred thousand dollars; but that is too much, as he pays them only four months' pay and about three months' provisions. Those together make a considerable sum beyond the estimate of last year, and, although the revenue exceeds our calculations, the exportation and debentures this winter and spring are very large. But it is not only on account of the Treasury that I wish an abstinence of expenses: it is on account of the prodigious drain of specie, principally dollars, which has taken place and continues. There are not at present one hundred thousand dollars in dollars in Philadelphia, New York, and Boston put together. More than three millions of dollars have been exported within six months from the vaults of the Bank of the United States alone, and our second instalment to Great Britain will in July take nearly nine hundred thousand dollars more. The principal cause of the drain is that no specie has been last year or is now imported either from the British or Spanish American colonies. Under those circumstances, it is highly desirable to leave as large deposits with the bank as the public service will permit. If we press them hard, they must curtail their discounts suddenly to an extent equally injurious to commerce and our revenue.

With sincere respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

New York, 11th May, 1804.

Dear Sir,—On receipt of your letter of the 27th ultimo, which was, I think, on the 2d instant, I had immediately a commission issued in Mr. Nicholas's name and transmitted to him at Warren, and by same mail wrote to Mr. Davies that his

resignation would be accepted. It is not practicable to recall the proceedings.

I never had thought Mr. Nicholson equal to the office of Commissioner of Loans, and, on hearing of his long sickness, repeatedly urged a resignation. I find him so weak and so incapable to attend to the duties of the office, that I consider him as having been at the mercy of his clerks for several months. He informs me that he has sent a resignation to you. Permit me, from public and personal motives, to urge the necessity of an early appointment.

I enclose a letter from Mr. Crowninshield recommending a proper person as surveyor of Marblehead, a new office created last session. I presume that his recommendation may be considered as unexceptionable. Two commissions are necessary, viz., surveyor of the —— of Marblehead, and inspector of the revenue for the port of do.

I dislike so much the appointment of military commandants in Upper Louisiana, and, perhaps for that reason, think so probable that the system will soon be repealed, that the choice of proper persons has not appeared to me to be of first-rate importance. Yet the reputation of the Administration seems to require that public opinion in North Carolina should have pronounced in favor of Thomas Blount in relation to the unfortunate land business in which his name was connected with that of his brother. I do not know how that fact stands, but would like to know Macon's and Franklin's opinion. I feel friendly disposed and strongly prejudiced in his favor, and have no doubt of his being qualified. Another man, Seth Hunt, has been mentioned. I know nothing of him; but I discovered that he was so obnoxious to all our Southern friends, and he is so much so to the Eastern Federalists, that if his appointment depends on a confirmation of the Senate, I would doubt its being ratified.

It is generally believed that this State will return fifteen Republican members, and only two Federalists, Rensselaer and Livingston. McCord, under an unjust suspicion of Burrism, has lost his election, and Thomas, by recanting, has escaped. Root and Patterson are both turned out; but Palmer has also

lost his election; his opponent is, however, a firm Republican, named Sailly, a French Canadian, settled since the war on Lake Champlain. All the returns are not, however, complete, and, as there are ten new members, the politics of some may not be fully understood. Unfortunately, there is very little accession of talents. Tompkins and Sailly are said to be the best. Hardly expecting to see again Mr. Nicholson, it is with difficulty I can immediately leave this place; but will not, however, exceed the time I mentioned, and expect to be at Washington on the 24th.

With great attachment and sincere respect, your obedient servant.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 30th May, 1804.

DEAR SIR,—I had selected Dowlf's name for the very reason you mentioned; having conjectured that his politics were preferable from Fairley's recommendation, and that Lowell's were not from being particularly recommended by Lincoln. Otherwise they are so equal that that consideration might reasonably be allowed to give the preference. The doctrine as it respects Bowen had, it seems to me, better be understood than avowed.[1] So many local and particular considerations which cannot always be explained, and if explained may be misunderstood, form exceptions to any general rule on that subject, that I think it safer silently to follow yours, so far as practicable, than to make an explicit declaration which will open a new field of attack against us. Whenever a man of that description is removed, let it be understood generally that he continued actively opposed; and that will forever justify the act with all our friends without any positive declaration; on the other hand, should the declaration be made, either General Lincoln (not to mention several others) must be removed, or an explanation given why, after his indecent and outrageous conduct, he is permitted to remain in office.

[1] See the letter to which this is in answer, in Jefferson's Writings, iv. 548.

The name of Hoffman, to whom it is intended to offer the office of register of the land office at Detroit, is George.

If a commission issues in favor of General Skinner, he should be written to repair immediately to Boston, and to send his bond, in order that we may remit to him in time the sums wanted to pay the dividends on 1st July. Some inconvenience was experienced when Mr. Jones was appointed, which, had it taken place in Boston, and any delay in paying the dividends been the consequence, would have produced a monstrous clamor.

Indeed, it would, on that account, be much more eligible to delay the commission till 1st July. For Perkins may throw great difficulties in his way at the end of the quarter; as all the calculations of dividends are made out the last fortnight. This may be explained to General Skinner as the reason of the delay, and I would recommend that mode.

Shall I take measures to procure a cutter for New Orleans? If so, I would purchase a proper vessel in Baltimore or Norfolk, and at once man and send her from thence. Those two ports are those where the swift-sailing pilot schooners are built.

Your decision respecting the keeper of the light-house at Penobscot is also wanted. I enclose the blank form of an act to fix a land office at St. Stephen's. Another is preparing for the erection of Mobile into a district.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 7th June, 1804.

DEAR SIR,—I have the honor to enclose the copy of a letter received from the collector of Philadelphia, by which it appears that vessels bound to Hispaniola are generally armed, and that he has thought it proper to require bonds and security from the owners that they shall not commit any acts of hostility against the subjects of powers at peace with the United States. As the collector requests instructions on that subject, permit me to submit it to your consideration and decision. It does not seem that

bonds unauthorized by law can add any substantial security for the good behavior of the parties; and the only case in which such bonds can be legally required is that provided by the 3d Section of the Act of February 6, 1802. For the Act "to authorize the defence of the merchant vessels of the United States against French depredations," passed on the 25th June, 1798, and by which it had been made a general provision that in no case whatever armed merchant vessels should clear out without having given bond for their peaceable conduct with friendly nations, and for the return of their guns and ammunition, has expired ever since the 3d day of May, 1802.

Both those laws seem, from the language used, to have supposed that, either by the law of nations or by Executive permission, merchants might, independent of the laws, arm their vessels. Certain it is that the Executive of the United States has heretofore acted as having a discretionary authority in those cases; as early as 1793, and afterwards again in 1797, private armaments, except for the East Indies, were absolutely forbidden by the President, and the order enforced by directing the collectors to refuse clearance to armed vessels, and in 1798, previous to the Act of 25th June of that year, and to any legislative interference, those orders were revoked by the President, and private vessels permitted to arm generally.

The Act of June 25, 1798, then took place, and on its expiration the last orders of the President were considered as being in force. On that footing the matter now stands, and vessels are permitted to arm in conformity with the Executive instructions of the spring 1798. It is not believed that the discretion which has been thus exercised can be perfectly reconciled to fixed principles. If the law of nations or any municipal statute rendered the instructions of 1793 and 1797 necessary, the instructions of 1798 were given in opposition to that law or statute. If private armaments by neutrals are not forbidden by the law of nations, nor the supposed right directly or impliedly taken from the citizens of the United States by statute, it is not easy to account for the instructions of 1793 and 1797.

In order to lay the subject fully before you, I will only add that if it shall be your opinion that the law of nations forbids

neutrals to arm, except in certain cases, such as the East Indies, the Mediterranean, &c., but that the situation of Hispaniola is now assimilated to that of the places where they may arm, yet the instructions of 1798 might require some revision, as they permit *generally* to arm.

I must acknowledge that I have not been able to form a satisfactory opinion on the subject, although I incline to the belief that the right of arming is in no case forbidden or controlled by the law of nations.

I have the honor to be, with great respect, sir, your obedient servant.

JEFFERSON TO GALLATIN.

June 9, 1804.

Th. J. to Mr. Gallatin.

Will you give to the enclosed observations of Mr. Madison as [careful ?] a perusal as you can? I have always been in hopes that you and he would by discussion come to a common opinion. I suppose, however, this has not taken place, and the views of our Constitution in preferring a single Executive to a plurality having been to prevent the effect of divided opinions, and to insure an unity of purpose and action, I presume I must decide between the opinions, however reluctantly. I take for granted everything has been now stated which can affect the case. If you think so after perusal of this, I will proceed to consider the case finally, deciding only on principles, and leaving to the Comptroller to investigate facts and apply the principles to them. Affectionate salutations.

GALLATIN TO JEFFERSON.

Treasury Department, 11th June, 1804.

Dear Sir,—I enclose the sketch of a letter for Mr. Muhlenberg. I do not know whether I understand fully your inten-

tion, and beg that you will correct. Instead of security being mentioned in the last sentence, ought not the word *recognizance* be introduced? I do not know the technical *phrase*. But if Muhlenberg is so answered, should not a circular be written? and if so, must it be grounded on the Hispaniola armaments, or on a more general cause?

Although I believe that the receiver Tupper is not the same man to whom Mr. Russell alludes in the enclosed letter, and that swindler Tupper must be the man lately arrived in New Orleans, and who has been troublesome in the slave business, yet, as the Christian name is the same, and I wish to investigate the subject, I will thank you to have the goodness to lend me the recommendations in his favor. I also return Mr. Madison's observations on Dr. Stevens's case. I do not perceive that they affect my argument; but do not intend to add a word more on the merits of the case, or to give you the trouble of a formal decision. In the settlement of the account I shall no longer interfere, and will leave the Comptroller to settle it in his own way or under the direction of the Secretary of State. The payment, which was the only part of the subject for which a personal responsibility could attach to the Secretary of the Treasury, cannot, at all events, be made until money shall have been appropriated, as the diplomatic fund, as it is commonly called (appropriation for foreign intercourse), is so poor that we will hardly be able to pay the current expenses of the year with the existing appropriations.

The appropriations of 1801, 1802, 1803, have amounted to 224,612 dollars; the payments from the Treasury to 228,394; and at the end of the year 1803 we were 76,000 guilders in debt to the Amsterdam bankers on that account. The appropriation for this year is only 46,000 dollars.

But to whatever amount the claim may be settled, it may be incorporated in the annual estimate of next year, and there will be no difficulty in obtaining the appropriation.

If in this business I have been too zealous or obstinate, I feel a confidence that you will ascribe it to the proper motive, and not to want of a due respect for the opinions of others. And I believe that every inconvenience may be hereafter avoided and

every objection removed by appropriating annually a certain sum for the salaries of ministers or ordinary expenses of foreign intercourse, and another for the contingent expenses; which last will, under the terms of the law, be undoubtedly and in every respect under the control of the President. That contingencies of a description not previously foreseen and specially provided for will happen, and ought to be covered by a general power, cannot be doubted.

With great respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 21 July, 1804.

DEAR SIR,—I have read with great attention Mr. Lincoln's opinion: it is ingenious, and may be solid, but I am very confident that we will be defeated if we attempt to bring the subject before a court. That, however, may not be a reason sufficient to prevent your doing what is thought right. The act itself is scandalous and dangerous to the peace of the nation; if not legally criminal, it certainly ought to be made so.

Receiving no answer from Mr. Muhlenberg on the subject of binding masters of armed vessels to their good behavior, &c., I gave him a private hint, to which, in a private letter, he answers, "I shall pay strict attention to the way you have pointed out to bring the business before the district judge, in case any vessel should by her arming give cause of suspicion that she might be employed in acts of hostility contrary to the laws of the United States. The district attorney has furnished me with the forms necessary to conduct the business." It appears, therefore, that no case has, since my letter, occurred on which to try the question; and the question now arises whether, without waiting for a decision there, similar instructions shall be made circular to the several collectors.

The Spanish minister has made an application on the subject of the vessel at Norfolk. As we will have hundred vessels which will put in distress in Spanish ports for one Spanish here,

it is certainly our interest to give to the treaty the most liberal construction, which, in your opinion, is the only correct one.

I have drawn the sketch of an answer, which is enclosed and submitted. I do not know how far it may be proper for me to use your name or to speak of Congress to a foreign minister.

General Wilkinson informed me that Captain Schuyler, having resided three years at Fort Stoddart, had, on account of unhealthiness of the situation, asked and obtained a removal to another place. I therefore detained the commission, which was yet in the Comptroller's office. The question recurs, whom to appoint? General Wilkinson recommends a Lieutenant Edward Pendleton Gaines, now in the city, and who is ordered to repair to that fort, not, however, as the commanding officer.

Two recommendations for New Bedford and Marietta are enclosed: in respect to the last, it will be best to wait until we hear from the other Republicans there; the death of G. Greene has not been officially announced to the Department. Of the propriety of removing Mr. Pope I am no judge, but consider the Massachusetts and other N. E. Federalists as such *enragés* and so incorrigible and hostile to government and to the Union, that, so far as my own opinion may have been against removals, it has, in respect to that part of the Union, undergone a complete revolution, and I consider it as a mere question of policy.

Respectfully, your obedient servant.

JEFFERSON TO GALLATIN.

WASHINGTON, July 12, 1804.

DEAR SIR,—I have this moment been called on by Mr. Hoffman and Mr. Rapp on the subject which will be explained to you in the memorial now enclosed. They became sensible that the matter rested with Congress only; but 200 of the people being arrived at Baltimore and two ships hourly expected with as many more each, they cannot remain here till the meeting of Congress, for want of funds. They will therefore proceed to the place which Mr. Rapp (who has been exploring the country) has

pitched on, on Sandy Creek of Muskingum River, where they wish to have 40,000 acres at the usual price, but with longer indulgence as to the time of payment. I told them I would immediately write to you to consider what we could do for them; I suppose we could forbid our officers to disturb them if they sat down on our lands; but that you could best judge whether we could prevent speculators from locating and purchasing the lands the moment they should sit down on them, with a view to screw money from them, and could best advise them how to proceed to secure themselves till Congress should meet and determine whether they may have an indulgence of any sort. Will you be so good as to consider of it, and to address a letter to Mr. Hoffman, their friend, at Baltimore, giving them the best advice you can? I told them I would write to them on receiving your answer; but it is much better it should come from you to them direct, as I shall be gone hence in ten days. The Osages arrived yesterday have been received to-day, and will enter on business to-morrow. They are twelve men and two boys, and certainly the most gigantic men we have ever seen. Affectionate salutations.

GALLATIN TO JEFFERSON.

NEW YORK, 18th July, 1804.

DEAR SIR,—I received yesterday your letter of the 12th instant, and have written an answer to Mr. Hoffman. It is unnecessary to write to our officers not to disturb them, as they have nothing to do with intruders: what advice to give was rather embarrassing. You will receive from the Treasury Office a copy of what I wrote.

I have no answer from Dickerson, but will receive one in a couple of days. In examining the Act, I find that the attorney for the United States is only attorney for the district, and not for the territory; his business as well as the marshal's will be only with the District Court; and the governor will appoint a sheriff, or officer of similar nature, as well as an attorney-general for the Supreme Territorial Court. That consideration diminishes

considerably the importance of the two offices; but I presume that it was not intended, and it may easily be rectified by Congress at their next session. The Superior Court of the Territory must commence their session on the first Monday in October, and the session of the District Court commences on the third Monday of the same month.

Reserving one place for Pinckney, which, on his probable refusal, may be given to the other person you have in view (Williams, I believe), would it not be well to commission, before you go, Kirby and Prevost for the Territorial and Hall for the District Court, in order that they may make the necessary arrangements and be on the spot on the day? for they must be there within little more than two months from this date, and the passage will take one month. They should at same time be advised that their salary commences only on 1st October.

There will be an advantage in keeping Williams to fill Pinckney's place, which is, that if he was appointed immediately we must have another commissioner on the Natchez land claims. Will there be no incompatibility between that last-mentioned office and that of Governor of the Mississippi Territory as it respects Mr. Rodney? perhaps no more than arises from his present situation as judge.

And if Pinckney should accept the New Orleans judgeship, Williams might be provided for in a temporary way by being made Mr. Rodney's successor as judge.

Excuse all those crude ideas, which I submit only from a knowledge of the embarrassment caused by the appointments in that place.

With great respect and attachment, your obedient servant.

P.S.—I say nothing of the event which has taken place in this city. You will have perceived that to the natural sympathy and sincere regret excited by Mr. Hamilton's death much artificial feeling, or semblance of feeling, has been added by the combined Federal and anti-Burrite party spirits.

GALLATIN TO JEFFERSON.

NEW YORK, 20th August, 1804.

DEAR SIR,—I received last Saturday your letter of the 8th instant. S. Lewis is well qualified as a draughtsman; I have written in order to ascertain the nature of the charges against him whilst in the War Department. There are, at all events, two other applicants, either of which will do, D. Griffith, the author of the map of Maryland, and one of King's brothers. On the subject of the Hampton vacancy I wrote what I knew. As to the place of attorney-general, I fear that it is above M. D.'s rate of legal knowledge and talents. I wonder at J. T. M.'s refusal, and still wait for your further instructions respecting the office of district attorney at New Orleans. That he should speak French appears to me indispensable: if the people of Louisiana shall not be indulged as far as practicable in what relates to language, the difficulty of governing them will be much increased; they seem to be but one degree above the French West Indians, than whom a more ignorant and depraved race of civilized men did not exist. Give them slaves and let them *speak* French (for they cannot write it), and they would be satisfied; the first is inadmissible; how far their language should, as they wish, be legally recognized is questionable, but their officers ought at least to understand them, and I fear Williams would never learn. Whilst speaking of Louisiana, let me not forget to inform you that Mr. Armstrong told me that Labigarre, who gave one of the lists of characters handed by General Wilkinson, is and always was totally unprincipled, and that no confidence ought to be placed in what he says. I have made some further inquiries concerning Evan Jones, who gave the other list; it is generally agreed that his manners are stiff, but his integrity irreproachable, and that he has decent talents, and a better knowledge of the province than any other American. At the request of General Dearborn, I had two conversations with Chotteau. He seems well disposed, but what he wants is power and money. He proposed that he should have a negative on all the Indian trading licenses, and the direction and all the

profits of the trade carried on by the government with all the Indians of Louisiana, replacing only the capital. I told him this was inadmissible; and his last demand was the exclusive trade with the Osages, to be effected by granting licenses only to his agents, but that he should not be concerned in the trade with any other nation. The annual consumption of the Osages he states at 40,000 dollars in goods, estimated at their value at the Illinois. The annual consumption of all the Missouri Indians, including the Sioux of the Mississippi, he estimates at 300,000 dollars. On account of the slowness of the returns, a capital double of the annual consumption is necessary for carrying the trade. As he may be either useful or dangerous, I gave no flat denial to his last request, but told him to modify it in the least objectionable shape and to write to General Dearborn from St. Louis, which he said he would do. As to the government of Upper Louisiana, he is decidedly in favor of a military one, and appears much afraid of civil law and lawyers: in some respects he may be right; but, as regular laws and courts protect the poor and the ignorant, we may mistrust the predilection of him who is comparatively rich and intelligent in favor of other systems.

General Dearborn informed me that he had made such arrangements respecting the military stores as would supersede the necessity of an immediate appointment to fill the vacancy caused by General Irvine's death. Considering the situation of Pennsylvania, this will be pretty delicate, and I am glad that you may wait till after General Dearborn's return.

Judge Peters has decided that the Act giving the power to bind to good behavior and security of the peace was not intended to include ex-territorial cases, and was inapplicable to the case of a vessel arming for Hispaniola; but that if an affidavit was made that the arming was with intentions to commit hostilities, either defensive or offensive, against either of the belligerent powers or of a vessel commissioned by either, he should issue writs against the owners and captain, under, I believe, the 5th Section of the Act of 5th June, 1794.

I enclose a letter from the collector of Charleston on the same subject, which I will thank you to return after perusal.

I also enclose a letter respecting I. Neufville's application. The commission should issue before 15th September.

The British ships continue the blockade of this port. Amongst other vessels sent to Halifax for adjudication was the Eugenia, Captain Mansfield, which has been retaken by a party of armed men in a fishing-smack from New London, and brought here. Mr. Barclay, the British consul, wrote immediately on the arrival here of the prize-master, who had been landed at New London, to Mr. Merry, and applied to the custom-house officers to detain the cargo till further orders from Washington.

Having no person here to transcribe, I enclose his original letter with the enclosed affidavit. The officers, after consulting me, answered that the papers, &c., of the ship Eugenia, which arrived here in possession of Captain Mansfield, were perfectly regular, that she had accordingly been entered, and that the custom-house officers had no power by law, after the duties were secured, to refuse to the consignees permits for the landing of the cargo, or in any way to detain it. This is exactly true; the collector has no judiciary powers; and why, if Captain Mansfield's possession was considered as illegal, Mr. Barclay did not apply to the district judge, who could have immediately ordered the vessel and cargo to be seized and kept in custody of the marshal until after hearing and decision, I cannot tell, unless, knowing that there was not the least ground for the capture, which is the fact, he has chosen to make this transaction the ground of a governmental complaint, and to use it as an offset against the outrages of the British frigates. I have written to New London to obtain affidavits, which I will send to Mr. Madison, and have examined Captain Mansfield. The facts are merely these:

The prize-master, from ignorance and stupidity, was persuaded, first, to take a pilot off the east end of Long Island, and next, to run not only within the Sound, but within the harbor of New London, where he came to an anchor half a mile above the light-house. In his affidavit he says he was under the lee of Fisher's Island, and four miles from the light-house; but he has betrayed the truth in his statement of the bearing,

in which he acknowledges himself *east north-east* of the light-house. In that situation he was boarded by the revenue cutter and an inspector of customs put on board; he also suffered the former American master and mate to go on shore; but, apprehending detention, he put the inspector on board of a boat, cut his cable, and sailed out of the harbor; but the wind being due east, he could not go out of the Sound through the race, and sailed before the wind towards New York. He was retaken two or three hours after, without resistance, by the fishing-smack, on board of which was another officer of the customs. Mansfield reassumed the command of the vessel, and, the wind continuing east, proceeded with the officer of customs to New York instead of returning to New London, having previously, as he says, *advised* the prize-master and English crew to go on shore in the sloop, which they did. There were but two muskets on board the recapturing sloop. There is no doubt that the prize-master was guilty of a gross infraction of our revenue laws in discharging the first custom-house officer, and in leaving the harbor.

Every vessel, even when coming in distress whilst bound to another port, must be reported to the custom-house. See 29th, 30th, and 60th Sections of collection law, 4th volume, pages 326, 327, and 377. And by the said 29th Section it is lawful for the revenue officers to arrest and bring back to such port of the United States as is most convenient any vessel departing or attempting to depart before report. Goddard, the officer of the customs whom I missed seeing, and for whose affidavit I have sent, was verbally authorized by the surveyor to arrest and bring back the vessel; so that the recapture itself was strictly legal. But what was irregular was to *order* the prize-master and crew from the vessel, depriving him of the possession he had. If we can make out that he abandoned the vessel, everything will have been regular; but if we cannot, we must rest our defence of that part of the transaction on the omission of the British consul to have the vessel and cargo judicially arrested in New York. I have written at large in order that Mr. Madison may have early knowledge of the facts; for I understand that the captain of the Leander is insolent, and that

every subsequent outrage is intended to be justified by this act. Another captured ship has also been recaptured, but by the crew, to which it seems there is no objection.

With respectful attachment, your obedient servant.

Please to have the goodness to return Mr. Barclay's letter and enclosure. A sketch of the entrance of the Sound is enclosed.

JEFFERSON TO GALLATIN.

MONTICELLO, September 1, 1804.

DEAR SIR,—I am just returned from a visit to Mr. Madison, whom I went to consult on certain matters. I communicated to him the papers from Simpson and Gelston enclosed to me in yours of August 20, and which I now re-enclose to you. We are both satisfied with Simpson's refusal to enter the guns of a vessel as a part of her description in her clearance, and if you are of our opinion we think it would be well to instruct all the collectors to discontinue it. I know of no law requiring it, and it seems to give the countenance of the government to the practice, instead of showing its disapprobation, which is our true sentiment. With respect to the Eugenia, if the retaking her be considered as the act of the revenue officer, it was lawful as an arrest, and the irregularity of setting the officers ashore is too small to need an apology. If it be considered as a rescue by the master, we have nothing to do with it. The capturing neutral vessels on suspicion of enemy property on board is an act of force, and it behoves the captors to employ a sufficient force, as the neutral is not bound to lend a hand, but, on the contrary, is restrained by his neutrality from all supplementary aid to either party. On the opinion you give as to Dickerson I abandon that idea, but still, wishing the aid of a good lawyer, and rather that he should be from Pennsylvania, I ask the favor of you to inquire fully into the legal knowledge, judgment, and moral and social character of Levy. We must have none but a good-humored man. I have further recommendations of Isaac

Neufville, so that I believe I shall fill up the commission with his name, though it is a bad example, and leads to family property in an office.

After waiting to the twelfth hour to get all the information I could respecting the government of Orleans, I have, on consultation with Mr. Madison, sent on the commissions by the mail which left Charlottesville yesterday morning for the westward. It is very much what had been approved by the heads of Departments separately and provisionally, with a few alterations shown to be proper by subsequent information. It is as follows:

Governor, Claiborne.

Secretary, James Brown.

Judges of Superior Court, Kirby, Prevost, and Pinckney or Williams.

Judge of District, Hall.

Attorney, Dickerson.

Marshal, Urquhart, or Clouat, or Guillot, or any native Frenchman Claiborne prefers.

Legislative Council, Morgan, Watkins, Clarke, Jones, Roman, and Wikoff certain. Don or George Pollock, as Claiborne chooses. Boré, Poydras, and Bellechasse certain, and any three which Claiborne may choose of these five, to wit: Derbigné, Detrahan, Dubruys, Cantarelle, Sauvé.

It will be necessary for us to consider of a gradation of peaceable measures which may coerce the belligerent powers into an obedience to the laws within our waters, so as to avoid using the gunboats if possible: a non-intercourse law may be necessary; but would not the power to forbid the admitting to entry any vessel of a belligerent so long as there should be an armed vessel of the nation in our waters in a state of disobedience to the laws or lawful orders of the Executive be effectual? making it lawful for us at the same time to give admittance to the armed vessels of a belligerent on such terms only as we should prescribe. These things should be considered and agreed on among ourselves, and suggested to our friends. I salute you with affection and respect.

P.S.—I shall be in Washington by the last day of the month.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 4th September, 1804.

DEAR SIR,—I have the honor to enclose copies of a letter written to the collector of New London, and of his answer, on the subject of the recapture of the ship Eugenia, together with the affidavits of the revenue officers who were successively on board of the ship.

Some irregularity seems to have taken place in dispossessing the British prize-master of the vessel; but, as he had sailed from the harbor and district of New London without making report according to law, the revenue officers were authorized by the 29th Section of the collection law "to cause to be arrested and brought back the said vessel to such port of the United States to which it might be most conveniently done;" and that is the course which should have been pursued by the collector of New London.

I have the honor to be, with highest respect, sir, your most obedient servant.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 18th September, 1804.

DEAR SIR,—I arrived here on Sunday last with my family, and found your letters of 1st and 8th instant, on which, on account of some arrears of current business, I have not yet acted.

The only difficult commission is how to obtain by correspondence information respecting not only the abilities but moral and social disposition of Levy. As a lawyer he is superior to Dickerson, and would, I presume, do tolerably; still, he is but a second-rate, and as a statesman and in some degree member of your Cabinet I do not think that he would do. Nor, if his practice be, as it is presumable, worth six or seven thousand dollars, is it probable that he would give it up for the place of Attorney-General, and exchange Philadelphia for Washington.

For that reason it will be difficult to obtain officers from the gentlemen of the bar of those cities where the profession is so lucrative. In Pennsylvania, out of the city, the only Republican lawyers of reputation known to me are Hamilton, of Carlisle, and, but yet much lower, Baldwin, of Pittsburgh. In New York there is no Republican equal to the place, unless Brockholst Livingston, who is a State judge, would accept it. With his political and general character you are acquainted. That appointment, however, does not press; but unless there shall be a district attorney at New Orleans, not a single prosecution can take place in the name of the United States, and Dickerson has positively said that he could not go this fall.

Would it not be better to send to Governor Claiborne a blank commission by next mail, informing him that in filling it he must tell the gentleman whose name he will put in it that it is only a temporary appointment?

I have uniformly been of opinion that, as it related to the principles of our government and to the reputation and popularity of the Administration, it was of importance that the officers of the federal government should abstain from any interference with public elections; and I had, as you may recollect, prepared a paragraph to that effect in my first circular to the collectors, which you, as well as Mr. Madison, thought premature, and the subject has not been attended to since that time.

Although several have ostensibly interfered, Mr. Osgood and Mr. Cox are the only ones who, within my recollection, have signed and published their names; and the last is the only one who has done it in such manner as to merit or meet with animadversion. But, under present circumstances, it will be very delicate to admonish or to proclaim.[1]

With great respect and attachment, your obedient servant.

The city is not more unhealthy than usual, and much less so than the whole extent of country, on both sides of the ridge, from the Susquehanna to the Potomack.

[1] See the letter to which this is in answer, in Jefferson's Writings, iv. 559.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 12th October, 1804.

DEAR SIR,—The enclosed, which you will have the goodness to return, show the enormous balance still due by Kentucky, especially for the indirect taxes, and the almost impossibility of recovering anything, even from delinquent and criminal collectors. I would not have been astonished if, in the attempt to recover those old accumulated arrears of an unpopular and expired tax, popular feeling had operated in favor of the distillers who had not yet paid; but that such an effect should have been produced in the case of unprincipled officers who had collected the money is incomprehensible, and Judge Innis must be either incapable or something worse; for, in the manner in which the statutes are framed, the fate of suits against collectors depends almost exclusively on the court. Whatever can be done shall be done, and we will try the appeal in Arthur's case at the next session of the Supreme Court.

But the point on which at present I wish to obtain your opinion is the continuance of Arthur in office by the supervisor. His reasons you will see by his letter. To me they appear inconclusive; and after such glaring proofs of his villany, it seems to me that, let the effect of the removal on the suit be what it will, the supervisor should be directed in your name to have him removed immediately.

This direction is, however, an unusual step, and is submitted to your better judgment.

With great respect, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY, 15th October, 1804.

DEAR SIR,—The receipt for Louisiana stock which we have in the Treasury, and is enclosed, is only that of Mr. Livingston, which, in conformity with the contract of Baring with the

French government and Messrs. Pichon's and Baring's letters filed in the office, operated as a full discharge to the United States of their engagement to deliver stock. Mr. Livingston had, besides this, become voluntary depositor of the stock and of the bills given by Baring in payment.

It appears by his enclosed letter that he had delivered both to the parties, and has sent a receipt to the Secretary of State on that subject. But this was a personal responsibility of his, with which government had nothing to do. It further appears by Baring's letter (which is a private one to me) that the purchasers of the stock—Hope and Baring—had anticipated their payments, which, by the contract, were to be made within two years, and had paid the French government in full. With this we have nothing to do. Mr. Livingston's letter is that which I had mentioned to you, and I enclose the copy of my answer, which went by Mr. Armstrong and was communicated to him, and which I had forgotten to send you before.

With respect, your obedient servant.

GALLATIN TO JEFFERSON.

REMARKS ON PRESIDENT'S MESSAGE.

October, 1804.

Irregularities in American seas and in our harbors.—As it is wished that Congress would make provision on two points immediately connected with the captures near St. Domingo and with the aggressions at New York, by restraining the arming of our vessels and by enabling the Executive to enforce the jurisdiction of the United States in our ports against foreign vessels; and as the expression of that wish would evince the disposition of the Executive equally to restrain the irregularities of our own people and to repel the insulting aggressions of the belligerent powers on our coast; would there be any objection to introduce at the end of this paragraph a recommendation to that effect?

Spanish objections to the ratification of the convention.—1st.

The public mind is altogether unprepared for a declaration that the terms and object of the Mobile Act had been misunderstood by Spain; for every writer, without a single exception, who has written on the subject, seems to have understood the Act as Spain did; it has been justified by our friends on that ground; and the declaration in the message, without some short explanation, may be distorted into an avowal of some humiliating concession to Spain by the Executive. Might not, to obviate this, some words be introduced, where speaking of the misconceptions of Spain, which would state that Spain had erroneously supposed that it was intended to organize a custom-house within territories still in her possession and claimed by her, before possession had been obtained by ourselves?

2d. This may lead to say something of the yet unascertained boundaries of Louisiana, a subject of sufficient importance to excite animadversion if it was altogether omitted in the message, especially as the ensuing paragraph announces, in an unqualified manner, the acquiescence of Spain in the validity of our title to Louisiana. Perhaps the ensuing paragraph might be transposed so as to precede that entitled "Spanish differences," qualifying it by adding that Spain, however, does not yet acknowledge our title to the full extent of our rightful claim; and then the subject of the misconception of the Mobile Act would follow of course, and the intention of the Executive not to abandon the claim in any degree, but to abstain from exercising jurisdiction or taking forcible possession till all other means were exhausted, be fully understood.

3d. The total omission of the other impediment to the ratification of the convention, viz., what relates to the 6th Article, appears perfectly proper as it relates to Spain itself, inasmuch as it avoids commitment on our part and leaves them free, without wounding their pride, to recede and ratify, whilst they may understand the Tunis paragraph as perfectly applicable to themselves. But that omission, as it relates to Congress, may be animadverted, as a concealment from that body of an important part of the whole ground. Perhaps, without expressly mentioning the article, some general expressions might be introduced, at the same time alluding to other objections of Spain,

and stating the expectation that the explanation on the Mobile Act would also remove them.

Delivery of stock.—The words "discharge of our obligations" seem too strong and general, as they might be construed to imply a discharge of our obligation to pay. The obligation from which we are discharged is that of delivering the stock within three months after the ratification of the convention as had been provided by that instrument, a provision which embarrassed us at the time on account of the proposed "bien entendu" which Pichon wanted to insert in the exchange of ratifications, and on account of the delays in taking possession of New Orleans, which delayed the delivery of the stock till the last week of the three months. The *legal* delivery of the stock consisted in delivering it to Lieutenant Leonard, whose receipt, together with a letter from Mr. Pichon acknowledging that act to be a full execution of the convention, are filed in the Register's office as the evidence of the delivery, and that letter of Pichon is the only *discharge which we have received* at the Treasury from the *government of France.* Mr. Livingston says, however, that he has sent to the Department of State receipts for the delivery of the stock in France: those I have not seen, and as we considered the transaction, so far as there was any obligation on our part, closed by the delivery here, I have never applied for them; indeed, I believe that they are merely personal, and, so far as they come from the French government, must be a receipt not for the stock, but for the bills of Hope and Baring which had been deposited with him, and which he delivered to the French government. The whole transaction is so complex that I think the best way will be generally to say that the stock was *timely* delivered in conformity to the provisions of the convention, without giving copies of the documents, which are numerous, lengthy, and uninteresting. Add to this that it is not convenient, unless necessary, to bring into view the contract of Hope and Baring with the French government for the Louisiana stock, as they gave but sixteen shillings in the pound for it, which may excite animadversion on the state of our credit and on the conduct of the negotiators of the treaty.

Barbary Powers.—Quere, whether the late accounts from the Mediterranean fully justify the expectations arising from the energy of all the officers?

Upper Louisiana.—I do not understand what is meant by the appointment of commandants in the forms of the Constitution. The expressions in the 12th Section of the Act of 26th March, 1804, are, "except the commanding officer, *who shall be appointed by the President.*" The same words precisely are used in the 2d and 3d Sections of the Act "to provide for the creating and repairing of vessels and magazines, and for other purposes," passed April 2, 1794, in relation to the appointment of superintendent and master-armorer of the armories and of superintendent of military stores; and in those cases the power to appoint has uniformly been considered and exercised as vested in the President alone. From which I infer that the authority to appoint commandants in Upper Louisiana is also vested in the President alone.

But if it was not, it is perhaps as well not to allude to the principle, because there have been some instances of newly-created offices which the President has, from the necessity of the case, filled during the recess of the Senate, though no special authority had been given to that effect. I remember the first collector of Bristol (R. I.) and Michilimackinac being appointed in that way in 1801.

Gunboats.—The object of those vessels, as a substitute for fortifications against naval enterprises, and for supporting the authority of the laws within harbors, is correctly defined. Nor, provided that the expenditures shall be kept within due bounds, is there any plausible objection, except that, after providing such as are wanted for the last-mentioned purpose, those which are wanted for the first may, in case of war, be so speedily built, that it is not necessary to provide for them beforehand; as the expense of keeping them in repair and of the men to watch them will cost more in two years than the mere building expenses. This, however, may be provided for hereafter, and I would only wish to have a *true* estimate of the expense of building and keeping either in actual service or ordinary, and to know the number intended to be built and to be kept in service. But so

far as relates to the message, I much fear that the efforts made in Federal papers to impress the idea that this establishment is intended as a substitute to the navy have so far succeeded that some distortion of the President's recommendation will take place.

Repairs to our frigates.—This must certainly be done, but it seems questionable whether it should make part of the message. It is true that it ought to be considered as an evidence of the attention paid by the President to the navy; but so much has been said on the subject of the ships rottening in the Eastern Branch, as if the waters of that creek had a peculiarly corrosive quality, that not only the Federalists but also the inhabitants of other seaports will eagerly seize the opportunity to disseminate the opinion that their predictions are fulfilled. If the message shall be silent on that head, nothing more will be necessary than for the Secretary of the Navy to include the item for that object in the annual estimate, and it will probably be voted without any observations. Should it, however, provoke an inquiry, the Secretary of the Navy may then make a special report which may be framed so as to meet or anticipate objections and cavils.

Acceptance of volunteers.—Is this really wanted? and may it not always be timely provided for by Congress whenever an emergency shall require it? The application for a general provision is liable to objections of an intrinsic nature, and will be artfully confounded with the system of volunteer corps under Mr. Adams's Administration in 1798.

Additional remarks.—It does not seem that the French aggressions in New York, if they exist, should be embraced in the same sentence with British. Even if the reports be true, their conduct has been *generally* unexceptionable there, and a single departure cannot be compared with the unremitted insults and blockade by the British.

With the nations of Europe in general our friendship is undisturbed.—Does not this embrace Spain, and is it not therefore too general?

From the other powers on the same coast (Barbary) we have every mark of the continuance of their friendship, &c.—Do not the last accounts from Morocco contradict this?

Territory of Orleans.—Is it not to be apprehended that the persons appointed members of the council, or a majority, will refuse to serve?

Indians of Louisiana.—Said to be friendly so far as we have yet learned. Have not some murders been committed at St. Louis?

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 29th October, 1804.

DEAR SIR,—I return your message with such remarks as occurred. It was not received till Saturday, which must be my apology for not returning it sooner.

The Register being absent, I have been obliged to go myself through all the minutiæ of calculation, instead of only marking the outlines and reviewing the work. The complete materials for your financial paragraph will not, for that reason, be completed till to-morrow. In the mean while the following sketch is correct, except for the amount of principal public debt redeemed, which is not yet ascertained:

Balance in Treasury, 30th September, 1803,		$5,860,981.54
Receipts during the year, viz.:		
imposts,	$10,729,708.54	
Loans, repayments, arrears, taxes, excise, &c.,	844,502.50	11,574,211.04
		$17,435,192.58
Expended during the year, viz.:		
Current expense, civil, military, foreign, and domestic,	$3,727,081.31	
Instalments to Great Britain,	888,000.00	$12,552,967.47
Payment for interest and principal on public debt,	7,937,886.16	
Balance in Treasury, 30th September, 1804,		4,882,225.11
		$17,435,192.58

Of which payments, about $3,600,000 for principal.

With great respect, your obedient servant.

GALLATIN TO JEFFERSON.

LIST OF NAMES.

Names to be inquired into for minister to Spain.
New Hampshire.—Sherborne, district attorney or judge.
Massachusetts.—Bowdoin.
Eustis.
Rhode Island.—Russell.
Connecticut.—Kirby.
Pennsylvania.—Jones, captain.
Delaware.—Hall, governor; Reed, district attorney; Rodney.
New Jersey.—Bloomfield.
Maryland.—S. Smith.
Joseph Nicholson.
Pinkney.
North Carolina.—David Stone.
Steel.
Georgia.—A. Baldwin.
Tennessee.—Smith, formerly Senator.

DEAR SIR,—I enclose a list of names, being all those I can think of, leaving New York, Virginia, and South Carolina out of the question, which may be thought of for the Spanish embassy. I have put several rather to give names to every State than for any good reason.

Taking everything into consideration, Bowdoin and Pinkney appear to me the most fitted on the list.

First-rate talents, I am afraid, cannot be commanded, and good sense and respectability may be sufficient on every ordinary occasion; the assistance of Mr. Monroe is already engaged for the Louisiana business; and on future important occasions that of our minister at Paris may always be obtained.

With respectful attachment, your obedient servant.

The date of Mr. Harwood's resignation as Commissioner of Loans is wanted at the Treasury, and may, I presume, be found in his letter to you.

GALLATIN TO JEFFERSON.

DEPARTMENT OF TREASURY, 18th December, 1804.

DEAR SIR,—The information contained in this letter is certainly important. It explains what I heard that General Hovey or Ovey, of Genesee, was connected with Phelps, and went last summer to the westward with an intention of ascending the Mississippi as high as St. Anthony's Fall. He, however, went no farther than the falls of the Ohio, where he formed a plan to cut a canal around the same.

Powers should be answered, and, I presume, in the following manner:

1st. That we have no knowledge of Carver's grant.

2d. That such grant, if it existed, was never recognized by the Crown.

3d. That Congress never have recognized mere Indian titles, and that he may safely rely upon it that such one as that he mentioned never will be admitted.

4th. That it is presumable that he may have redress against the seller, but that it is a question of private right, on which officers of the government cannot as such give any opinion.

Will you have the goodness to give me your opinion on the subject?

As a national subject, it evinces the necessity for Congress to be extremely cautious in admitting land claims not warranted by the general system adopted for granting lands. I am told that almost every seller at Detroit derives his claim from an Indian title. It seems that it will be best to confirm their possession as sellers only, and not as purchasers or grantees under the Indians. The same remark will probably apply to many occupants at Kaskaskia and in Upper Louisiana. But exclusively of sellers, I am informed indirectly, though the information comes from Hoffman, that many millions of acres will be claimed between Lake Huron and Michigan under Indian grants; and I presume that you are acquainted with the pretended claims of the Wabash and Illinois companies. Carver's grant makes another, and there may be many more.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

NAMES OF PERSONS FOR ATTORNEY-GENERAL.

Russell, of Rhode Island; unknown.
Brockholst Livingston, of New York; would not accept.
M. Dickerson, of Philadelphia; not equal.
Rodney, M. C., of Delaware; not equal.
Gabriel Duval, of Maryland. Quere, whether he would not accept; in which case Joseph Clay might be made Comptroller.
Walter Jones, of Columbia, Virginia.
J. T. Mason, of Virginia; the best, if he will accept.
Breckenridge, of Kentucky; very good, if he will accept.

I am so little acquainted with the characters, &c., of professional gentlemen who have not been in public life, that it is not practicable for me to make a good list. I will, however, make some further inquiries, principally to know whether there are any Republicans prominent characters in Pennsylvania.

Respectfully, your obedient servant.

GALLATIN TO S. L. MITCHELL, U. S. SEN.

Private.

TREASURY DEPARTMENT, 8d January, 1805.

DEAR SIR,—I was favored with your letter of the 28th ult., and have been prevented from making an earlier answer by a multiplicity of other avocations. Even now I cannot take as comprehensive a view of a subject which does not come within the sphere of my official duties as I would wish, and you must be satisfied with a few general remarks.

A species of trade may be considered as illicit, either in relation to the laws of the nation of which the traders are citizens or subjects, or in relation to the general law of nations, or to the municipal laws of the nation into whose territories the trade is carried. Let, for the present and in order to avoid confusion of ideas, the definition of illicit trade be confined to that species

of commerce which, though not prohibited by the laws of the country to which the traders belong, is contrary either to the acknowledged law of nations or to the regulations of the country with whom the trade is carried.

An illicit trade, if contrary to the law of nations, as in the case of contraband articles, attempt to enter a blockaded port, &c., renders the party liable to capture and condemnation. If contrary to the municipal laws of the country with which carried, whether because absolutely prohibited, as in case of infractions of the colonial commercial system of Spain and other nations, or because done in a manner contrary to the regulations on that subject, as in case of common smuggling or other infractions of the revenue or navigation laws of the country, the party is in same manner liable to capture and condemnation, and, in addition thereto, to such penalties, or even personal punishment, as the laws of the country have provided. In either case, the armed public, revenue, or other authorized vessels of the belligerent power, or of the country whose laws are violated, have a right to capture the offending party; and in either case the courts of the captors are the proper tribunal to try the offence. In either case, also, resistance to an armed vessel duly commissioned and authorized is illegal, becomes by itself a sufficient cause of condemnation, and renders the party liable to distinct punishment. In common cases of illicit trade, of whatever nature that trade may be, the individuals who carry it are responsible for their conduct, and punishable by the aggrieved nation without having a right to call on their own country for protection; but the country to which they belong is not generally bound to pass restrictive laws prohibiting such trade. Neutral nations, though they consider it sometimes to be good policy to do it, are not obliged to enforce the law of nations by positive statutes against their own subjects or citizens; they are not bound, for instance, to prohibit the exportation of even arms or gunpowder, though avowedly exported to the country of either of the belligerent powers. Nor are nations bound to pass laws prohibiting to their subjects or citizens commerce, such as that with the colonies of another nation, which is illicit only by reason of the particular statutes of other nations. But, although this be a

good rule in common cases, it will be allowed that there are circumstances under which the conduct of illicit traders might go such length, especially if they shall use force, as would render it necessary for the purpose of preserving national peace that the country to which they belong should, by prohibitory or restrictive statutes, prevent the acts of violence which endanger that peace.

Two questions will, therefore, arise in relation to the San Domingo trade, which is the avowed object of the bill under consideration: 1st, is it illicit? 2d, if illicit, ought the United States, under present circumstances, interfere by restrictive statutes? If those two questions shall be answered in the affirmative, the modifications of which the bill may be susceptible will be a subject of subsequent consideration.

To the first question there can be no hesitation in answering: 1st, that the trade to San Domingo is in itself illicit *in toto*; 2dly, that it is carried in a manner contrary to the law of nations.

The chambers of commerce, merchants, &c., have indeed acknowledged that so far as that trade might consist of contraband articles it was illicit, and they have affected to consider that question as if the blacks of San Domingo were one of the belligerent powers and France another. But this is not the true state of the question. San Domingo is a French colony, recognized as such by the United States and by every European nation, a colony in a state of rebellion against the mother-country; and the question is whether any nation has a right to carry on commerce with a port, province, or colony in a state of rebellion against that country of which it has heretofore been acknowledged as a part. On that point there does not and there never has existed any doubt. Such trade is, by the common consent of all nations, as well as in conformity with the rules of common justice and common sense, altogether illegal, and will render parties concerned therein liable to capture, condemnation, and such other punishment as the aggrieved nation shall think proper by law to provide. It is clear that in such cases other nations must either continue to acknowledge the supremacy of the nation over its rebellious province or colony, and therefore submit to its laws and regulations respecting the commerce with such

province or colony, or acknowledge, at the risk or rather with the certainty of a war, the independence of the rebellious province or colony. During the whole of the Revolutionary American war, England took and condemned every neutral vessel bound to the United States which their vessels met with: there was not on that ground the least objection, not even at the time when the armed neutrality took place; and even France, though she afterwards acknowledged the independence of America, and thereby became a party in the war, did not only, so long as she intended to remain at peace, abstain from asserting the doctrine which she afterwards attempted to uphold on that subject in her declaratory memorial, but went so far as ostensibly to give orders, on the British minister's complaint, for the detention of such vessels laden with military supplies as were bound for the United States. It is also well known that England made war on Holland because she did not disavow the conduct of Amsterdam in making a conditional treaty of commerce with America; and that the armed neutrality, of which Holland was a member, refused to interfere in her favor, because the powers of which it was composed, anxious as they then were for the freedom of commerce and the doctrine of *mare liberum*, considered the conduct of Holland as a breach of neutrality, and, in common with all other nations, felt that the principle she had assumed was dangerous to the safety of every government. In that respect the justice or injustice of the nation to its rebellious province or colony is altogether out of the question as it relates to other nations. Of that they have no right to judge unless they think proper to become parties in the civil quarrel; and all they have to do is to wait for the event. Nor is the distinction of government *de facto* (as different from that *de jure*) applicable to this case. It is perfectly true that when a revolution takes place which affects a *whole* country, other nations are bound to consider as the legitimate authority the powers who have the actual possession of government; but they are equally bound to consider every part of the country as under the authority of those who are in possession of the government of the country generally. That doubtful cases might arise, as if the Bourbon family occupied one half of France and Bonaparte the other half, is true; and

the prudence of other governments must dictate their conduct in such delicate circumstances; but the instance of San Domingo is no such one: it is a plain one, on which there can be but one opinion. Suppose New Orleans to be in the situation in which San Domingo now is, and let any one answer the question; or even substitute Ireland to San Domingo and England to France, and let Mr. Murray and the New York Chamber of Commerce decide.

But the commerce to San Domingo is not only illicit, but it is carried on in a manner contrary to the law of nations. It has become a trade forced by arms against the public or private armed vessels of France, who, under the law of nations, whether France be considered as a belligerent power, or in the act of preventing her rebellious subjects from receiving any kind of supplies, have an undoubted right to search, capture, and send for adjudication any neutral vessel which they have reason to consider as concerned in such trade. That resistance to such vessels is illegal will not be denied; and it will not be a justification for those illegal acts that resistance may legally be made against *other* vessels who are not duly commissioned and authorized.

It is for this last reason, it is because the trade to San Domingo, illicit in itself, is carried on, in the most open manner, by force of arms contrary to the law of nations; it is because fleets of armed vessels, insured as if engaged in the most legal trade, openly sail from our ports with the avowed design of forcing their way to San Domingo and of resisting commissioned as well as unauthorized French armed vessels, that the question has acquired national importance, and that legislative interference becomes necessary in order to preserve the peace of the nation which the avidity of a few individuals has already endangered. So long as force was not used, or so long as it was used so rarely as not to create alarm, the United States were not bound to forbid an illicit trade or to provide in a special manner against occasional acts of violence. It is the magnitude of the evil which calls for a remedy.

Three different modes might have been adopted in that respect, —to prohibit the trade altogether; to prohibit arming altogether,

or, which is the object of the bill, to restrain only those unlawful acts of violence which had given just cause of complaint to the French government. It will not be denied that the last mode is the mildest, and that which lays the least possible restraint on American commerce.

Here let it be observed that from the year 1793, when the war between Great Britain and France took place, to the year 1798, when government resolved to repel the French aggressions by force, arming private vessels was, with the exception of those bound to the East Indies or Mediterranean, absolutely forbidden by a mere Executive act; and that when the President, in 1798, withdrew the prohibition, Congress immediately took up the subject, and, in the same law in which they authorized private vessels to resist in every case armed French vessels, provided against the unlawful use of force as it related to nations in amity with the United States. That Act, passed the 25th of June, 1798, and which would have expired on the 14th of May, 1800, was continued in force by Act of 22d of April, 1800. It expired by its own limitation on the 3d of May, 1802, at which time, Europe being at peace, the subject was unattended to. Subsequent to the renewal of the European war, the President did not think proper to assume the authority which had been exercised by his predecessors, to permit or forbid, at his pleasure, the arming of vessels; and Congress having neglected, during last session, to renew or modify the provisions of the former Act, the effect of an unrestrained permission to arm has been immediately felt. From that view of facts it results that, except since the renewal of the European war, American merchants had been uniformly either prohibited altogether to arm, or placed under restrictions in some degree similar to those proposed by the bill now under consideration, and that they have abused the permission to arm as soon as it was unrestrained and it became their interest to do it.

The principal features of the present bill are, 1st, that the owners shall give bond in a sum equal to double the value of the vessel, arms, &c., conditioned that no unlawful use of the arms of such vessel (generally) shall be made against nations in amity with the United States; 2dly, that the individuals

who may make such unlawful use of arms shall be punished for such acts as if committed within the exclusive jurisdiction of the United States.

I cannot perceive that any well-founded objections can be made against either of those two principles. The forfeiture of the bond, as well as the punishment of the individuals, rests altogether on the *unlawfulness* of the act. As it is lawful to resist, in self-defence, any pirate or non-commissioned or otherwise unauthorized armed vessel, the penalties of the Act cannot attach to any of the cases in which the necessity of using arms has been alleged. It is evident that persons objecting to the *principles* of the bill must avow an intention to do what they know to be unlawful acts; that they intend, in fact, to resist authorized armed French vessels, and to force at all events an acknowledged illicit trade. Supposing some of the positions which I have assumed respecting the law of nations and an illicit trade to be erroneous, the error will not affect the argument in favor of the principles of the bill; for it is only what is unlawful which is forbidden, and it is left with the courts and juries to decide whether the acts which shall have been committed are lawful or unlawful. By recurring to the memorial of the Chamber of Commerce of New York it will be perceived that the principal act which they omit in their own enumeration of unlawful acts by a neutral, is resistance to the armed vessel of a belligerent which is not a public vessel; they acknowledge resistance to a public armed vessel to be unlawful; by the omission they imply that resistance to a duly commissioned privateer is lawful. I need not say that the distinction is unfounded, and has never been acknowledged, except by special conventions, and only in the case of convoys.

If the principles of the bill are correct, the details alone remain to be examined; and it is principally necessary that they should be such as with certainty to carry the principles into effect. On that subject I have but few observations to make.

In the first section, I think that it would be an improvement if the owners were obliged to give bond in a fixed sum, say ten or twenty thousand dollars, in addition to double the value of the vessel, arms, &c. This would not be liable to the objec-

tion which induced the House to strike out the word "cargo," viz., that in the East India trade the bond would be for an enormous sum; and it would give security in those cases where the vessel itself may be worth but a trifle compared with the value and expected profits of the voyage.

In the same section, it seems to me that there is no reason why the last condition expressed in the 3d Section of the Act of the 25th June, 1798, should not be inserted. The Act is made so mild that the only danger to be apprehended is that its provisions will be inefficient and its intention defeated. The proposed proviso would enable the President to add such restrictions as experience might show to be necessary; and it is not liable to the well-founded objections made against the section rejected by the House, which authorized the President to prevent altogether the sailing of armed vessels under certain circumstances.

The second section is obscure, and, I think, misprinted. Mr. Madison proposes, as a substitute, a much shorter one, which I enclose.

In the third section, the provision which subjects the *value* of the vessel to forfeiture should be more explicit, by declaring that such value shall be recovered from either the owners or master of the vessel. Penal statutes are construed strictly; in every suit the bias is against the United States; and the penalty might be evaded if the persons from whom it must be recovered, when the vessel cannot be seized, are not described.

I will trouble you no longer, and you must excuse this long, unconnected letter, but I have not time to write either a better or a shorter one.

Believe me to be, with great regard and respect, your very obedient servant.

GALLATIN TO JEFFERSON.

REMARKS ON THE INAUGURAL.

[12th February, 1805.]

Louisiana.—"That the acquisition may pay for itself before we are called on, and keep down the accruing interest," had, I think, be better omitted, or at least modified, as it is rather going too far in saying that such event is probable: it is barely possible. "The larger our association, the less will it be shaken by local passions"—is not this doubtful and too generally expressed?

Religion.—May not another expression be substituted to that of *sects?*

I had rather not to particularize the acts of fasting, praying, &c., as things which ought not to be prescribed or controlled by the general government. The sentiment is certainly true, but it implies censure not only on predecessors, but on the State governors, city mayors, &c., who, though they have no more authority under the States than the President under the general government for that object, have nevertheless issued proclamations of that kind.

Indians.—"The virtues" is too general; they have but a few, —I think very few. As it relates to the moral causes which prevent their improvement, I think licentiousness to be the principal, and the consequent want of the social institutions which establish and secure *property* and *marriage* to be the greatest obstacles to civilization. But, supposing even the whole of what is stated on that subject in the speech, to be correct, the allusion to old-school doctrines and to New England habits appears to me inexpedient, and I would strike out at least from "great efforts" to "same land."

Press.—Would it not be better to suppress all which may be considered as expressions of personal feelings, say from "valuing characters" to "indignation"? Yet the idea that the licentiousness of the press lessens its usefulness should not be omitted. In the remainder of that article there is perhaps more said on the subject of the re-election than is necessary. Those two heads, *Indians* and *Press*, appear to me susceptible of improvement, and, if the President should think it proper to

expunge any considerable part, will of course require some new modifications in the arrangement.

For the same reason which made me object to the general plan of the speech, I would suggest the propriety of dilating more on what is due, in the beneficial results of the Administration, to the legislative acts of Congress, and to the people themselves, both as electors of Congress and as influencing measures by the weight of public opinion.

The more that has been done shall in the speech be ascribed to others than the Executive, the less shall any imputation of self-applause attach to it.

GALLATIN TO JEFFERSON.

DEPARTMENT TREASURY, 28th March, 1805.

DEAR SIR,—The bad arrangement of districts on the lakes had heretofore prevented the organization of the district of Erie, which includes Cayuga. A representation was made on that subject to Congress, and a law was obtained which, amongst other things, authorizes you to designate the port of entry and delivery for the district of Erie. Cayuga is the most proper place for that purpose, and I mentioned to you that as soon as I could hear of a proper character for the office I would submit the appointment to you. This of course has anticipated the request of the Assembly of Ohio, as it will give them not only a port of delivery but one of entry at Cayuga. It may be expected that the district will be organized in the course of the spring.

I have nothing new to mention. The Treasury is poor, and if all the bills come at once from France, it will be difficult, even with the assistance of the bank, to meet them. A loan of about one million and a half will be necessary, but I think we will be able to repay it in the course of the year.

Mr. Livingston's arrangements on that and some other subjects have not been the best possible; and much do I fear that his interference and schemes respecting Florida have done much to prevent Mr. Monroe's success in Spain.

With sincere respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

MONTICELLO, April 8, 1805.

DEAR SIR,—Your favor of 26th [28th?] March is received, and I learn with real concern the danger that a temporary loan may be necessary, because we know how it will be perverted to throw dust in the eyes of the people. However, if no other expedient can be used, we must meet it. I have no expectation that Monroe will be able to get any acknowledgment of boundary which we can admit. The next best measure will be to obtain a free use of the rivers of either party, rising within the limits of the other, and that neither party shall either settle or fortify within the disputed country until the limits can be fixed. This will give us time to await and avail ourselves of events. I presume the appointment of Flowers may wait my return. In the mean time the other may be heard from. I have desired the Postmaster-General to forward nothing to me here after the 5th instant, as I expect to be with you in a fortnight. Accept affectionate salutations and assurances of constant friendship and respect.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 23d April, 1805.

DEAR SIR,—I enclose the sketch of an Act for organizing the new district of Sacket Harbor, in conformity with the Act of 3d March, 1803 (6th vol. p. 273). If you approve of the form and division, a fair copy shall be prepared for your signature.

Pierce's plan of a depreciating paper is returned. Herman Husband, the Pennsylvania madman, proposed a similar one to the Legislature of that State in the year 1779; only his paper, instead of depreciating at a regular rate each time it passed in the hands of another man, was to depreciate, instead of bearing interest, regularly every day so as to be worth nothing at the end of three years. Pierce's paper is to be worth nothing when it shall have passed through the hands of ten persons. It is

evident that such paper, without the assistance of severe tender laws, will be worth nothing from the day it is issued. But, supposing such laws to exist and to be enforced, what do such plans amount to? If the depreciation is very gradual, say one per cent., or one per thousand, instead of ten per cent. on each payment, it is perfectly similar to a stamp duty on receipts, notes, &c. If the depreciation be at the rate of ten per cent., as suggested by Pierce, it is the Spanish alcabala.

With great respect, your obedient servant.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 9th May, 1805.

DEAR SIR,—I enclose Mr. Sanford's answer respecting a district judge. Van Wyke is certainly very young, not above twenty-five; he is General Van Cortlandt's nephew, and has the negative recommendation of being neither a Livingston nor a Clinton. The persons proposed are, therefore,

Brockholst Livingston.

George Clinton, Jr.

Tallmage (Governor Clinton's son-in-law, and would both in New York and in the State be preferred to George).

Van Wyke.

I must repeat that I will not consider the revenue as very safe under B. Livingston. His decision, as a State judge, in the case of the Sandy Hook beacons was very inimical, and at the time ascribed by some to E. Livingston's removal. If you continue of opinion that Swartwout shall be removed unless he pays, and you will be pleased to direct a commission in the name of Peter A. Schenk, the person recommended by De Witt Clinton, to be sent to me, I will transmit it to Mr. Sanford with instructions to give it, unless Mr. Swartwout shall make payment within a limited time.

I have received Latrobe's plan of fire-proof buildings, but cannot understand it fully without referring to the general sketch which he has sent you. I will do myself the pleasure to wait on

you to-morrow for that purpose, but I had expected that he would come and stay here a few days. Of Tatham's fitness for any actual employment I cannot judge. He has certainly genius, but the appearance of something bordering on mental derangement. I may be mistaken, and would like to know.

With great respect, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT TREASURY, 28th May, 1805.

DEAR SIR,—The last paragraph of the enclosed letter seems to confirm the hints that Great Britain had not succeeded in forming any efficient alliance on the Continent.

There is an Act passed by the Legislative Council of Orleans for dividing the Territory into counties, which, if it has been received either by you or by the Department of State, would assist in dividing the two land districts. It will be necessary to establish it soon, as Mr. Thomson has accepted and writes that he will be on the spot in July.

By a sketch of the revenue (impost) for 1804, I find that after deducting the drawbacks, debentures, bounties, expenses of collection, it amounts to $13,180,000

That of 1803 was only (on which our estimates are founded) $11,310,000

making an increase of $1,870,000

which arises from the following items, viz.:

New Orleans revenue,	$270,000
Light money and specific duties for six months at most,	100,000
Mediterranean fund for six months,	470,000
Natural and war increase,	1,100,000
	$1,940,000
Deduct increased expenses of collection,	$70,000
Increase as above,	$1,870,000

Our receipts have not, however, kept altogether pace this year

with that apparent increase, owing principally to the great re-exportations this year of articles imported last season.

The gross revenue of New Orleans has been for the three last

quarters of 1804	$232,576
add for another quarter	68,000
makes for the whole year	$300,576

The first quarter of 1804 gave but 34,000 dollars under the Spanish duties and regulations. Our laws commenced on 1st April.

With great respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

May 29, 1805.

Th. J. to Mr. Gallatin.

I have no information that the Act dividing Orleans into counties is passed. By the papers which came yesterday it appeared to have been twice read and committed. Would not the *waters of the Red River* form one proper district, and the *residuary* country another? or the waters of the Red River and the country *above and between* that and the Mississippi for one, and the *residuary* country the other?

The financial part of your letter is highly pleasing. There must be something more in this increase of revenue than the *natural and war* increase; *depreciation* to a small degree in other countries, a sensible one in this, and a great one in England, must make a part of it, and is a lesson to us to prefer ad valorem to fixed duties. The latter require often retouching, or they become delusive. As to the Orleans revenue, I presume we may consider it as the consumption of 60,000 people and their increase, added to that of 6,000,000 and their increase; for though the former will increase faster than the latter, it will only be by drawing off numbers from them. But, from whatever cause, the increase of revenue is a pleasing circumstance, as it hastens the moment of liberating our revenue, and of permitting us to begin upon canals, roads, colleges, &c.

I presume you will locate on your map the Indians from Sibley's statement; my maps being in the hands of the binder, I cannot do it; but when you shall have done it, I shall be glad to have a consultation with you on the extent to which we may lay off townships, and of the assurance we may give to the Indians included within them. I enclose you a paper at Mr. Madison's request. Affectionate salutations.

GALLATIN TO JEFFERSON.

DEPARTMENT OF TREASURY, 30th May, 1805.

DEAR SIR,—I have taken notes of the situation of the Indian tribes in Lower Louisiana as given by Sibley, and, having compared them with Humboldt's and Nolen's sketches, think that I can locate them all with sufficient correctness for present purposes. But the great desideratum is a map, not good, but at least tolerable. The documents we have are not merely imperfect, but altogether contradictory, principally for the Attacapa and part of the Opelousas districts. I am now preparing at leisure moments a rough sketch, in which the ascertained points will be fixed, and an attempt made to reconcile the clashing authorities. This, till we have better information, will at least do better than any of our existing maps, and I will locate the Indian tribes in it. Most of those tribes within the tract we mean to have surveyed are within the existing settlements, and appear to be cultivators. It is presumable that they have but very limited claims, and, exclusively of the communications to be made by the Indian agent or superintendent, great confidence may be placed on the discretion and tenderness for Indian rights of Mr. Briggs. At present I can only add that in one of Clark's sketches I have discovered three Indian villages not mentioned by Sibley, one of Chitimachas, at the place where Bayou Plaquemine unites with the Chafalaya, and two of a nation called Ouachas, or Couchas (the writing in French not being very legible), on the branches or bayous of the Chafalaya below the Chitimachas. The Bayou Chico, mentioned by Sibley

as a branch of the Opelousa, and the seat of two tribes, I can find in no map or sketch whatever. I believe that on examination of the relative situations, you will find that the Opelousa and Attacapa districts will be much more conveniently united, as a land office district, with the Red River settlement than with those on the Mississippi.

I had earnestly requested that expenditures might be as moderate as possible for a few months, in order that our receipts might so accumulate as to enable us to meet the French bills without borrowing. As it seems by Mr. Armstrong's last letter that they will not come for some time, it is probable that we will avoid that evil resource. But it is proper that I should state that the War Department has assisted us in that respect much better than the Navy Department, as will appear from the enclosed account of expenditures for each during the first five months of this year. Yet, in relation to the navy, no fleet has been fitted this spring; and four months' pay to the five or six hundred men sent by the John Adams and gunboats, which was the only extraordinary expense, is an object of only sixty or seventy thousand dollars. As I know that there was an equal wish in both Departments to aid in this juncture, it must be concluded either that the War is better organized than the Navy Department, or that naval business cannot be conducted on reasonable terms. Whatever the cause may be, I dare predict that whilst that state of things continues we will have no navy, nor shall progress towards having one. As a citizen of the United States, it is an event that I will not deprecate; but I think it due to the credit of your Administration that after so much has been expended on that account, you should leave an increase of rather than an impaired fleet. On this subject, the expense of the navy greater than the object seemed to require, and a merely nominal accountability, I have, for the sake of preserving perfect harmony in your councils, however grating to my feelings, been almost uniformly silent; and I beg that you will ascribe what I now say to a sense of duty and to the grateful attachment I feel for you.

With great respect, your obedient servant.

If you have no objection, I would wish to be absent next week, as a short jaunt will be of service to me.

GALLATIN TO JEFFERSON.

DEPARTMENT OF TREASURY, 1st July, 1805.

DEAR SIR,—It appears from the enclosed letters of F. Baring and Mr. Merry that the last British instalment of £200,000 will be paid in London on 15th instant. This is a great relief to us, and still more to the banks, as the exportation of that sum in specie would have distressed them at this moment beyond measure. That being paid, the only extraordinary expense to be provided for is the 3,750,000 dollars claims assumed by the convention with France, payment of which may now be daily expected. On this day, after having paid the quarterly interest on the public debt, we have more than 4,200,000 dollars left in the Treasury; so that, instead of paying only two millions of those claims from the Treasury and borrowing the rest as we had stated in our estimates to Congress, we will be able to pay the whole without borrowing anything.

This will, if the bills come all at once and immediately, drain the Treasury very low. But as, if we overcome this difficulty, there is no probability, unless in case of war, that during your Administration any other loan shall be wanted, it was an object to strain every nerve to meet this demand without recurring to that kind of resource. Within six weeks we will be at ease, and may then resume the suspended expenditures, particularly the payments on account of the sinking fund, which are much in arrears.

I submit the draft of an answer to R. Morris, which I have purposely made less explicit than your opinion seemed to purport, in order to be able to decide according to the circumstances of the case when they shall all be known.

I do not recollect any instance of a suit on a revenue bond in which I have interfered. The district attorneys have on some occasions, as I understand, assumed the responsibility of giving some indulgence.

But less is shown in that species of suits than in any other, not only because there must be a certainty in the collection of the revenue, but because the law directs in that case that the bond shall be put in suit on the day it becomes due if not paid. This subject, as to details, is under the immediate superintendence of the Comptroller, as he has the direction both of the revenue and of all the suits in the United States, and if Mr. Sheaff had made an application to me I should have refused it to him.

If you have no objection to his letter to you being thus placed on the public files of that office, it may be referred in that manner; but if you have any, Mr. Sheaff should write to the Comptroller or to me and obtain from the district attorney a statement of the case, with his opinion that the security of the United States will not be injured by the delay which may be granted.

Respectfully, your obedient servant.

JEFFERSON TO GALLATIN.

WASHINGTON, July 2, 1805.

DEAR SIR,—The answer to Morris is perfectly well, as it leaves the case open for decision as the fact or law shall be. I have dropped a line to Sheaff to address either yourself or the Comptroller on his case. The prospect of avoiding a loan is really most pleasing. I observe Mr. Livingston is arrived, and the newspapers seem to suppose the call for the French money will soon take place. You have not told me when you propose to leave this place. I keep back my letter to Mr. Smith till you enable me to fix a day for his coming. Affectionate salutations.

GALLATIN TO SAMUEL SMITH, U. S. SEN.

17th July, 1805.

DEAR SIR,—It is impossible for me to calculate the effect of the measure you propose on our finances. I am very confident,

however, that the consumption of foreign linens would be diminished if the importation of Irish linens was forbidden; and the same may be said, though the effect would not be so extensive, of hats, nails, writing-paper, glassware, and medicines.

There is a difficulty, supposing the measure to be proper, in selecting the articles on which the prohibition should fall. For the less of an English article we consume, the less will the prohibition affect them; and the more we consume of it, the more will the prohibition affect our own finances.

As to the general policy of the measure, it is not a question to be solved, at least by me, without more information and consideration, nor to be answered in a short letter. An objection which on first impression strikes me, is that the total prohibition of English manufactures being the strongest measure of retaliation which we can adopt, the mere extra export duty is not perhaps sufficient cause to call forth that remedy. It might perhaps be better to reserve it as an arm for occasions of more importance; and it may be queried whether the enforcement of the Navigation Act in Europe, and of the colonial system in the West Indies, though more susceptible of justification than the difference made against us by the export duty, be not substantially much more injurious to the United States.

Have you consulted Mr. Madison on the subject? I have not sufficiently thought upon it to form an opinion satisfactory to myself.

Your friend and servant.

GALLATIN TO MADISON.

New York, 6th August, 1805.

Dear Sir,—It cannot be expected that the banks will make a loan to La Fayette; they never lend on real property; of the value of the Louisiana lands no person can at present give them sufficient assurances, and their answer will be that they are ready to make the requested advance on La Fayette's notes *with two approved endorsers*. I will confer with Toussard on

his arrival, and give every assistance in my power; but everything depends on some fortunate, extraordinary location; for no lands, however fertile, will, merely as objects of common cultivation, realize his expectations.

The demands from Spain were too hard to have expected, even independent of French interference, any success from the negotiation. It could only be hoped that the tone assumed by our negotiators might not be such as to render a relinquishment or suspension of some of our claims productive of some loss of reputation. If we are safe on that ground, it may be eligible to wait for a better opportunity before we again run the risk of lowering the national importance by pretensions which our strength may not at this moment permit us to support. If from the manner in which the negotiation has been conducted, and has terminated, that effect has already been produced, how to save character without endangering peace will be a serious and difficult question. Perhaps a law making efficient provision for building a dozen of ships of the line would be the most dignified and most forcible mode of reopening the negotiation; but it will be a doubt with some whether the remedy be not worse than the disorder. At all events, to go to war for the western boundary of Louisiana, or even for the country between Mississippi and Perdido, after having omitted in our treaty of purchase to bind France to a certain construction of limits, never will do. The refusal to ratify the convention is, in my view of the subject, the most offensive part of the proceeding.

Mr. Randolph and Mr. Nicholson are both anxious to know with precision the time when Mr. Monroe may be expected in England, as they have both placed business of importance in his hands. I will thank you to communicate your knowledge or conjectures on that point.

Mrs. Gallatin joins in affectionate compliments to you and to Mrs. Madison, and sincerely hopes that she will receive prompt and efficient relief in Philadelphia. If she is better, you should come and pay a visit to the American Tyre, which you would hardly recognize.

Yours truly.

I find that Lear has drawn £5000 on the Barings, on the contingent credit of 100,000 dollars which had been given for the ransom in case of peace. Do you know for what reason? and was it not wrong to diminish that fund, or rather to divert it from its intended object?

JEFFERSON TO GALLATIN.

MONTICELLO, August 7, 1805.

DEAR SIR,—You have probably learnt through other channels that our Commissioners to Spain have terminated their mission without success in a single point. I have desired Mr. Madison to send you the papers, and when you shall have perused them I will ask a communication of your general view of what is expedient for us to do. I ask the same of the other gentlemen. When I shall have received them it will enable me to form precise points on which to ask their ultimate judgment. This will employ some time; but the case is serious, and is entitled to time and mature consideration.

Tremble declines the office of commissioner in the western district of Orleans. I have not a single person in view for it: can you furnish one? Gideon Fitz, one of Briggs's deputy surveyors, is gone to Tombigbee to survey; no honester man lives. I know him intimately, and should not fear to trust him with my whole fortune uncounted. His mathematical talents are good; and, though this has been his particular line, his understanding and knowledge of life fit him for other lines. He will make a good receiver at Tombigbee when you want one, and I think it probable he might accept it. If you know of no better, it might be best to appoint him at once, that, if he refuses, we may still have time to name another. Accept affectionate salutations.

P.S.—It seems essential to our success with England that we should not be understood as absolutely committed to war with Spain.

GALLATIN TO JEFFERSON.

NEW YORK, 17th August, 1805.

DEAR SIR,—An excursion into the country with a sick child has prevented my writing for several days.

But I had indeed very little to say. Enclosed you will find:

1. John Nicholas's letter recommending Samuel Latta as collector of customs for the district of Genesee. The sooner a commission can issue, [the better,] as the Canadians smuggle; it has been delayed only from want of information.

2. Judge Toulmin's letter on the subject of the office of receiver of public moneys. I do not know to what he alludes; some mistake, I suppose, of printer Smith. A commission either for him or for Gideon Fitz should be issued this fall.

3. A letter from Holmes, who is already appointed to the office for which he applies.

4. Several letters in favor of John Kittredge as collector of Gloucester vice Gibault, who is dying, but not to my knowledge yet dead.

I received yesterday your letters of 7th and 9th insts.

What to say about a commissioner vice Tremble I do not know, as, he having accepted, all the other applications and recommendations have been left in Washington. If I can recollect or find somebody, I will write you immediately.

On the Spanish affairs I will, in conformity with your request, try to throw my ideas on paper. Generally, I think the present time unfavorable either for urging our claims by further negotiations or for enforcing them by war. The great difficulty is how to keep them suspended without abandoning the ground assumed or loss of reputation. Yet that may not be impossible; but a little delay will do no injury, and if any positive instructions could be delayed till October, it would, I think, be preferable.

With great respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, 12th September, 1805.

DEAR SIR,—I enclose at last some observations on the Spanish affairs. The anxiety and occasional absence occasioned by the lingering illness of a child I finally lost had prevented my taking a sufficiently comprehensive view of the subject to commit anything to writing, and even now I feel that it is very defective. Accept my congratulations on the Tripolan peace, and my wishes that you may terminate as favorably the Spanish differences.

With sincere attachment and great respect, your obedient servant.

[Enclosure.]

SPANISH AFFAIRS.

12th September, 1805.

Subjects of difference:

1. Boundaries of Louisiana, East and West.

2. Spoliations, refusal to ratify convention, and French Spanish captures.

Modes of acting:

1. War. 2. Active negotiations. 3. Suspension of discussions.

War.—1. Its justice as *it relates to boundaries.*

The claim of the United States is not evident, but is derived for the east, by construction, from the Treaty of St. Ildefonso, and rests for the west on the accidental landing of La Salle at St. Bernard, and on the French establishment of the Mississippi being prior to those of Spain east of Rio Norte. It is not presumed that the last object (the west boundary) shall by any one be considered as a just subject of war. To me the claim has always appeared doubtful. The doctrine of European rights to uncivilized countries as derived from discovery and possession is not reducible and never has been reduced to fixed rules. The positive right of discovery extends in this case only to the Mississippi; that of occupancy, beyond what is actually possessed by us on the sea-shore west of that river, is confined to the accidental and transient settlement of La Salle. Crozat's charter,

being a public act acquiesced in by the silence of Spain, gives the most valid title, but embraces only the waters emptying into the Mississippi. On the other hand, the Adayes and Nacogdoches settlement, whatever was its origin (and Spain may assert that it was as legal as that of La Salle), was formed *before* the short war between the Quadruple Alliance and Spain (the Regent and Alberoni). During that war Pensacola was three times taken and retaken. At the peace it was restored, and Perdido fixed as the boundary of Florida and Louisiana. But, although it does not appear that the western boundary was then fixed, the Adayes settlement was suffered to remain. That acquiescence on the part of France, confirmed by her subsequent silence and by the undisturbed possession and exercise of the rights of sovereignty of Spain during more than forty years (1718–1762), throws such uncertainty on our claims, that a resort to arms for that cause will, I think, appear unjustifiable in the opinion of mankind and even of America. That we have still an undefined claim is true; this may, when a proper opportunity shall offer, be used for the purpose of obtaining a convenient eastern boundary; for it will certainly be the interest of unbiassed Spain to obtain from us a relinquishment to the country bordering on the Mexico settlements; but if no arrangement should take place on that subject during the present generation, the natural growth of the United States will hereafter naturally enforce the claim to its full extent.

The claim of the United States on the east as far as Perdido is much better founded.

The word "retrocede" is the only expression in the Treaty of St. Ildefonso which countenances the construction of Spain. She insists that that expression confines her cession to so much only as she had received from France. But every other expression and sentence of the treaty supports the construction of the United States. Yet it must again be repeated that the claim is not self-evident, but constructive; and the following considerations seem to render the justice of a war in its support extremely doubtful: 1st. Whether ascribed to policy, or to precipitancy, or to any other cause, it is not less the fact that the acquisition of Louisiana without any fixed boundaries was the act of the

United States; for the act of their negotiators is theirs; if they intended at all events to obtain the now disputed territory between Mississippi and Perdido, if they then attached such value to it as to risk a war for securing it, they would not have signed the treaty without placing the subject beyond the possibility of dispute. The manner in which the treaty is drawn betrays either unpardonable oversight or indifference to that object, and a disposition to trust to a mere contingency for securing it. 2dly. Not only we neglected, when the treaty was made, to obtain from France, if not a guarantee, at least an official declaration of what she considered as the boundary of the territory ceded to her by the Treaty of St. Ildefonso, but Spain was not consulted on the subject. If, therefore, a previous explanation had taken place between Spain and France on that subject, however we may complain of the duplicity of France for having withheld such communication, Spain may justly oppose it to our demands. If A purchases from B a tract of land, and the boundaries are not precisely defined by the deed; if by subsequent articles the parties explain the meaning of the deed; if neither the deed nor articles have been made matter of public record; and if afterwards C shall purchase from A on the face of the first deed, and, notwithstanding its want of precision, shall neither ask from A a guarantee or even explanation of the boundaries, nor inquire from B what he had intended to convey; it is true that he may have recourse against A for the deception in not showing the articles, but it is very doubtful whether the disputed land can be recovered from B, who has in the mean while never given possession, and who had even, before C's purchase was ratified, warned him not to purchase. 3dly. We cannot deny that we had before the ratification of the treaty a knowledge of the intention of the parties to the Treaty of St. Ildefonso, so far as related to the eastern boundaries. For we knew that Laussat was instructed to demand and the Spanish officers to deliver, east of the Mississippi, that part only which is in our possession.

As it relates to the spoliations.—This appears a more just cause of war; and if the original offence was of a recent date, if the refusal to restrain or compensate for the aggressions had been made whilst they continued to exist, the question would certainly

become one of policy alone. The conduct of Spain was not, however, at the time considered as a cause of war; and it may be said at this moment that, in the relation in which she then stood towards France, of alliance against an enemy, and of vassalage to that great power, her conduct was a natural consequence of our hostilities with that nation. It is certain that when we were negotiating for the purpose of obtaining reparation for our merchants, we had no idea of going to war in case of failure. It is her refusal to ratify what by the convention itself she had acknowledged as justly due to us which is the cause of offence. And supposing that the other objections of Spain have been removed, the only ground of dispute on this point is the modification which they ask, and which, although they have no right to demand it, amounts only to expressions which, without impairing the reserved rights of either party, shall only prevent a constructive admission of our right by Spain to be inferred from the instrument. The only words to which Spain objects are those which seem, by construction, to convey an idea that she recognizes in the abstract the justice of our claim for French aggressions originating or countenanced in her ports. Is the preservation of those equivocal words which give us very little more than a mere general reservation of the rights of the parties a just cause of war?

That, in case of rupture on the grounds on which we stand, plausible and in some respects solid arguments may be urged in answer to the preceding remarks I have no doubt; but from the nature of the subject, they will be so refined that they cannot carry that conviction of the justice of our cause which is necessary to justify a war in the public opinion and to our own hearts. The high station which America and, I flatter myself, Mr. J.'s administration now occupy in the eyes of other nations, is principally due to the opinion which is entertained of their wisdom, justice, and moderation; and I think it (exclusively of every reason derived from duty) of primary importance that nothing should be done to weaken those favorable impressions; and that if war must be ultimately resorted to, we should previously place the controversy on such ground as will evidently put Spain in the wrong.

2. Its policy.

Whether the issue of a war be favorable or not, some unavoidable consequences must ensue. 1st. We will be shut up from our commercial intercourse with Italy, Spain, France, and Holland. 2dly. Our remaining commerce, particularly with the West and East Indies, will, to a certain extent, be injured. 3dly. Our existing revenue will be diminished. It is not possible to form any precise calculation or even probable estimate of the degree to which we will be injured in those several respects; but it would be a much more favorable conjecture than comports with my view of the subject to suppose that the unavoidable effect of even a successful war on our revenue would be to reduce it to a level with our current peace expenditure (sinking fund, 8 millions; war, navy, foreign intercourse, civil list, and miscellaneous demands, 2½ to 3 millions; in all, 11 millions), and that all the expenses of the war must be supported by loans or new taxes. The extent of those would depend on that of our operations; their nature would be a matter of subsequent consideration. I will only name the principal resources in the order in which they would probably be resorted to. Increase of impost; sales of lands on cheaper terms by wholesale; stamps; direct tax; taxes on manufactures. Our expected gain by the war (I do not speak of the injury done to the enemy) would be the improbable ratification of the convention; a probable establishment of boundaries eastwardly to Perdido, westwardly on just terms; and perhaps the acquisition of Florida. We would at any time, even after a successful campaign, accept of the terms proposed by Mr. Monroe, viz., establish the boundaries of Louisiana and take Florida in exchange of the convention. What are both Floridas worth? For this is exactly what we may gain. What were we willing to give for them? and what would be the cost of one year's war?—not merely the positive expense, but the national loss?

(Here let it be observed that in case of rupture, it is to be expected that France and Spain will seize or sequester property to an immense amount. Amsterdam, Antwerp, and even Bordeaux, Cadiz, and Leghorn, are filled with our merchants' property, exclusively of vessels which might be there at the time. With

all those nations the American commerce is now carried on with American capital, and the exchange 5 to 10 per cent. in our favor.)

I think that every view of the subject will enforce a conviction that a war, even more successful than our resources render it probable, would, as a matter of calculation, be most unprofitable; and that the only ground on which it can be defended is the necessity of asserting our rights from a fear that passive endurance will provoke a succession of injuries. That there is a point where forbearance must cease cannot be doubted; whether we have reached that point in relation to Spain I doubt; and it may be questioned whether, both as a real injury and as a point affecting the national dignity, the annual blockade of our ports and the perpetual impressment of our seamen be not more essential wrongs than any we have suffered from Spain. But what will be the probable result of a war, and how shall we carry it on? I believe that we may, with our existing military resources, or at least with little addition, take possession of both Floridas, perhaps reach through the wilderness the miserable establishments of Santa Fé and San Antonio, and alarm the outposts of Mexico. But it does not appear to me that we can go beyond that without a waste of treasure and of men which we cannot supply. The taking of Havana, the most decisive stroke for forcing a peace, would require some naval co-operation on the part of the British, an army of fifteen or twenty thousand men, six months' siege, and from ten to twenty millions of dollars. Vera Cruz might perhaps cost less, but would be less important. If we were not able to take either, peace must depend less on our exertions than on the course which the French government may pursue. If Bonaparte, haughty and obstinate as he is, shall think proper to persevere, notwithstanding our taking Florida, then our fate becomes linked to that of England, and the conditions of our peace will depend on the general result of the European war. And this is one of the worst evils which the United States could encounter; for an entangling alliance, undefined debts and taxes, and in fine a subversion of all our hopes, must be the natural consequence.

Negotiations.— Three advantages may result from a renewal of

negotiations in some shape or another: 1st. The hope of a permanent and complete, or at least temporary and partial arrangement, in which last case war will be at least prevented. 2dly. Such modification of our demands as will, in case of refusal, place the justice of our cause on evident ground. 3dly. Some time gained which may enable us to be somewhat better prepared for the conflict. By active negotiations, I meant such as would have for object a complete arrangement of every existing difference; by suspension of discussion, I contemplated some temporary agreement which, without affecting the question, might save the rights and the credit of both nations, leaving the final result to future contingencies. In whatever shape these negotiations may be carried on, they will still relate either to the boundaries or to the convention; to which I would add the subject of new and existing aggressions, especially from Cuba.

1st. *Boundaries.*—The present moment does not appear favorable for pressing a renewal of negotiations for a final arrangement on that subject. Unless a very unexpected revolution should take place in the political situation of Spain, it seems that such arrangement must depend on France, and that it is with her that we ought to negotiate. But there is so little hope of success with either, that the attempt would only, in all probability, aggravate the evil we mean to parry. Yet, as it is impossible to foresee the fluctuations which may take place in the councils of both nations and the events which may offer a favorable opportunity, it would be prudent to vest our ministers at Paris and Madrid with such powers as may enable them, not to urge a negotiation, but to be ready to enter into one if it shall be offered; and for that purpose an ultimatum may be prepared and sent to them. The terms may be the subject of further consideration; and I will only say that I would think it for the interest of the United States, and no improper relinquishment of their rights, to take the Sabine and Perdido for boundaries on the sea-shore, including always within Louisiana all the waters of the Mississippi. In the mean while two propositions may be made for a temporary arrangement, which had been already suggested to our ministers, but do not seem to have been mentioned by them, viz., a statu quo, and the free navigation of the Mobile.

Statu quo.—Although this seems to be a simple and reasonable demand in the abstract, its application presents some difficulties. 1st. If Spain be sensible that she can strengthen her positions only by increase of military force, whilst we strengthen ourselves by forming new settlements, she may object to a plan which would preclude only her progress and would not affect us. 2dly. If the arrangement should be proposed for the disputed territory only; as the whole is in the possession of Spain, and as we might in the mean while increase our force at New Orleans and in the now disputed part of Louisiana west of the Mississippi, whilst she should be precluded from adding to her posts from Perdido to the Mississippi and to those of Nacogdoches and San Antonio; the conditions would be substantially unequal, since we would then be enabled at any time to take possession of the whole at a single stroke. And, on the other hand, we could not agree generally not to increase our force at New Orleans, &c., nor Spain to a similar condition for Havana, Pensacola, &c.; so that there is an equal difficulty in forming an arrangement which will preclude either party from reinforcing its existing posts, whether that arrangement be confined to the disputed territory or embrace the adjacent establishments. The only proposition which appears practicable is that neither party should form any new military post in advance of what they have, nor particularly between Natchitoches and San Antonio, leaving both at liberty to reinforce all existing military posts. If Spain shall insist that not only new military posts but also new settlements be precluded, the precise lines must be defined, and so save the pride of Spain, by abandoning our right to settle for the present some part of what she acknowledges to be ours; the river Mermenteau or Calcasieu, at her choice (both lie a little east of the Sabine), might be fixed on our side, and the Colorado on hers; but it would be preferable to say nothing about settlements, for it must be recollected that the offer of a desert for fifteen years was intended, in case the western boundary could not be settled, as an inducement for a relinquishment on the part of Spain of her claim to the country between Perdido and Mississippi. For us the condition of no new military post being erected is sufficient, both as an honorable means to extricate

ourselves from our present embarrassment and as a matter of security; for, if an arrangement is made, it is not very material that Spain should increase her existing posts, nor will she be very able now to do it. To this there is but one exception: she must not if possible be permitted to erect new posts on the Mississippi, nor to strengthen her works or military force at Baton Rouge. Nor would it be necessary to consider a refusal on the part of Spain to accede formally to the statu quo as a cause of war. For although, if she shall act in such a manner in every respect as to force a war, that refusal will strengthen the justice of our cause; yet, if other matters be arranged, it might be sufficient on that subject to state that we would advance in case they should, leaving to Spain the odium both of the encroachment and of the rupture, if she should think proper to oppose by force such advance on our part.

Mobile.—Although this subject may be mentioned, I would not consider it as an ultimatum, or a refusal on the part of Spain as cause of war: 1st, because its importance is not at present sufficient to run any great risk on that account; 2dly, because the right is not by the law of nations generally acknowledged. It is undoubtedly a natural right, but usage and treaties have modified it amongst European nations in so many different ways, that I believe there is not a single similar case in which the right when used does not rest on prescription or positive treaty. It will also be well to consider that if acceded to by Spain, she will probably claim the same privilege for Baton Rouge; and yet the cases are not similar, since our settlements on Mobile lie within our boundaries as acknowledged by Spain, and Baton Rouge is within the disputed territory.

2d. *Convention.*—This, under existing circumstances, seems to be the most delicate part of the business. If we insist on it and fail, it leads to a war, and we cannot abandon it altogether without some disgrace, blended as the subject is with the other negotiation. For had it stood alone, our delay during fifteen months to ratify it, by showing that we did not set a very high value on it, would in fact have served as an apology for our not resenting the refusal of Spain to ratify. It was for that reason that I was of opinion last fall that it was better to lose the whole in-

strument than to accept the modification, nominal as it was, proposed by Spain. But now that the question presents itself under a very different aspect, it seems to me that it is of primary importance, having failed in the other objects, to obtain the ratification even on terms somewhat similar to those proposed by Spain. What I would then suggest is that, demanding in the first place a pure ratification, should no other objection be made by Spain than that of its containing an admission (by inference) on her part of our right to compensation for French spoliations, our minister should accept a ratification with a *bien entendu* or a declaration in the procès-verbal of the exchange of ratifications, that nothing contained in the instrument shall be construed as a recognition or relinquishment by either party of the claims not provided for, or any other words to that effect.

3d. *New aggressions.*—These are to a great extent, and afford a just ground for complaint. I am told that the rate of insurance, which is but 3½ per cent. to the British Windward Islands, is from 10 to 15 to Jamaica, and that almost solely owing to the French and Spanish privateers often armed in Cuba, and who uniformly take their prizes there and plunder them. It might not be advisable under other circumstances to take any other measures on this subject than we do in relation to the aggressions of other nations; but it may be proper, particularly if the refusal of Spain to give us any kind of satisfaction on the other subjects shall render a war probable, to press the subject with great force upon them. I think that it will, at all events, have a good effect on the whole negotiation, and in case of rupture will place the justice of our cause on the best possible ground. For then, supposing the other ideas to have been, under proper modifications, adopted, instead of giving for principal cause of the war a dispute for boundaries on which opinions would be divided, and which might lay us under an imputation of ambition, we would say: the boundaries of Louisiana were not fixed; we proposed to Spain that until they were, no new posts should be established by either party, and Spain will not agree to that proposal; Spain had by a convention acknowledged wrongs formerly done by her, and promised compensation; she afterwards objected to the ratification under

pretence that some expressions in the instrument might be construed to bind her beyond her intention; we agreed to a modification in the form of ratification which would remove that objection, and she refuses to ratify; not satisfied with former wrongs, she suffers in her ports the most flagrant violation of the law of nations, the plunder without trial and condemnation of our vessels employed in an innocent trade, and she refuses redress. Unless Spain is predetermined to risk a war in order to obtain a positive relinquishment of our claim to the disputed territory, it appears extremely improbable that she would place herself in such awkward situation.

Nothing else has struck me on the subject of negotiations; and I would only add that if it shall appear, which may easily be previously ascertained by our minister, that Spain will ratify the convention in any admissible shape, it would be more eligible to urge each subject by itself, and as entirely unconnected with each other. But if no ratification is expected, all three, convention, statu quo, and new aggressions, should be pressed together on Spain.

Preparations.—Some time will be gained by the negotiation, which if it produces no other advantage than to accumulate two or three millions of dollars in our Treasury, exhausted by the payment of the French bills, will not have been altogether useless. The militia and military preparations, which cost little or nothing, and which might be necessary to take possession at once of both Floridas the moment a rupture should take place, might also be made. But it is principally on Congress that the decision of those points and of all other preparations will rest; and it is even proper to recollect that as the power of making war is constitutionally vested in that body, it is the duty of the Executive to leave it so substantially, and to do no act which may put the peace of the country in jeopardy. This alone should induce particular moderation in the manner of negotiating; and such course being adopted, the next question will be whether the President should lay the subject before Congress at their next session, and if so, in what shape? As it is not doubted, however, that in some shape or another the subject will be communicated to the Legislature, it will be suf-

ficient to examine what preparatory measures can be taken by that body, on the supposition that they will not as yet vote any additional taxes, nor, on the other hand, diminish, as had been contemplated, the existing revenue, but will even for the present, notwithstanding the Tripolan peace, continue the additional duty of 2½ per cent., which, after discharging all current expenditures (including the 8 millions for the sinking fund and 600,000 dollars for the current navy expenses), will leave a probable annual surplus of two millions of dollars.

It is probable that the greater part of that surplus will be applied to the formation of a navy; and if Congress shall decide in favor of that measure, I would suggest that the mode best calculated in my opinion to effect it, and so impress other nations that we are in earnest about it, would be a distinct act enacted for that sole purpose, appropriating for a fixed number of years (or for as many years as would be sufficient to build a determinate number of ships of the line) a fixed sum of money, say one million of dollars annually, which will be about equal to the 2½ per cent. duty heretofore appropriated for the Tripolan war; and in order effectually to prevent the fund being diverted to current, contingent, or other purposes, to place it under the general superintendence of commissioners, in the same manner as the sinking fund, but leaving, of course, the immediate application and direction under that superintendence to the Navy Department. The money to be exclusively applied to the building of ships of the line; for there would still be a sufficient surplus to add immediately a few frigates to our navy. These last might be built by contract within the year; what progress might be made within the same time with the ships of the line I cannot say; but that it would lay the foundation of an efficient navy I have no doubt; and that the act would have a favorable effect on our foreign relations, and even on the pending negotiation, is also certain. Nor indeed, supposing Congress to be at all events averse to a war with Spain for the present, would it be an undignified course to make efficient provision for the preparation of a force that would prevent a repetition of wrongs which the United States did not at this moment feel prepared properly to resent. Whether the creation of an effi-

cient navy may not, by encouraging wars and drawing us in the usual vortex of expenses and foreign relations, be the cause of greater evils than those it is intended to prevent, is not the question which I mean to discuss. This is to be decided by the representatives of the nation; and although I have been desirous that the measure might at least be postponed, yet I have had no doubt for a long time that the United States would ultimately have a navy. It is certain that so long as we have none, we must perpetually be liable to injuries and insults, particularly from the belligerent powers, when there is a war in Europe; and in deciding for or against the measure, Congress will fairly decide the question whether they think it more for the interest of the United States to preserve a pacific and temporizing system, and to tolerate those injuries and insults to a great extent, than to be prepared, like the great European nations, to repel every injury by the sword. The Executive will, from their decision, know the course which it behoves them to pursue in our foreign relations and discussions.

There is another measure which might be adopted by Congress, if they were determined on peace for the present at all events. It would be the appointment of commissioners to settle the claims for Spanish spoliations, showing thereby that though not willing to enforce at this time that just demand, they were determined not to abandon it, and to wait a favorable opportunity to press it. It is on a somewhat similar principle that the British government has lately ordered a distribution of the Spanish prize-money taken before the declaration of war amongst a certain description of merchants who had claims for former captures and contracts against Spain.

I have but one subject more on which to make any observations; it is on the interference of a war with our revenue system, and on the great advantage of a perseverance in the pacific system, if it was only for three or four years longer. Our existing revenue has been calculated to meet our current expenses. Our neutrality and the Tripolan additional duty may give us a surplus of about two millions, which, and it is a very low calculation, I

consider as lost in case of war. These two millions alone applied to the building of a navy during the four ensuing years would, with what we have, give us ten or twelve ships of the line besides frigates, a force nearly equal in point of efficiency, considering the superiority of the men, to the Spanish navy. But this is not the most important consideration. Eight millions of our revenue are pledged for the sinking fund until the redemption of the whole debt, with a proviso (designedly inserted that the resources of the nation might not be palsied beyond a certain period) that when the whole debt, the old six per cent. deferred and three per cent. excepted, shall have been paid, there will be no necessity to apply the whole sum of eight millions annually. There now remain to be paid (besides the six, three, and deferred thus excepted) only 6½ millions eight per cent. and about 4 millions foreign, five and half, and navy six per cent. The redemption of those ten millions and half will be effected during the ensuing three years. And from the year 1809 inclusively, we shall not be compelled to pay any more annually than the interest on the remaining debt and annual reimbursement on the six per cent. and deferred stocks, amounting altogether to less than 4½ millions of dollars, and leaving, therefore, 3½ millions of dollars annually, which may be applied either to the purchase of the debt or to more pressing demands, according to circumstances. If the savings or preparations of the three ensuing years be added to the circumstance of having at once three millions and half of dollars annually at our disposal beyond what we now have, and that exclusively of our intermediate growth, the importance of our preserving peace during those three years will be easily understood.

Respectfully submitted.

GALLATIN TO JEFFERSON.

DEPARTMENT TREASURY, 18th September, 1805.

DEAR SIR,—I enclose a letter from Mr. Gurley showing the continued dissatisfaction or efforts to produce discontents at New Orleans.

The only recommendation I can find here for commissioner is the one enclosed, and it is for Orleans and not for Opelousas. The commissioners must meet on 1st December next. I have not heard whether Lewis will accept for Orleans. The yellow fever is in New York, and the inhabitants leaving the city.

I am asked every day whether there is any probability of a war with Spain. The inquiry comes from merchants, and the insurers hesitate whether to insure.

As far as I can ascertain from our friends, a war would be unpopular. The question of boundaries is considered as of inferior importance at this moment, and as one for which it would not be worth while to entangle the nation. But it is agreed that the refusal to ratify the convention and the continued spoliations by Spain, or by vessels which find asylum in her ports, can with difficulty be tolerated without some loss of reputation; yet, after all, they say, Keep us from war, and depend on the wisdom of Administration for doing it.

With sincere respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

OBSERVATIONS ON FOREIGN GOLD.

Congress omitted last year to renew the temporary laws by which so much of the general act respecting foreign coins, as declares that no foreign gold or silver coin (Spanish dollars excepted) shall be current after the mint shall have been in operation a certain time, had from time to time been suspended. It followed that foreign gold ceased on 1st May last to be a legal tender. At that time nine-tenths of the circulating specie, or of

that in the vaults of the several banks, consisted of such gold. A letter was written to the Bank of the United States recommending the importation of dollars from Europe, and the coining into American coins the foreign gold in their possession. Their answer is enclosed, and it must be observed that the omission of Congress, which was accidental, has done as yet no injury; for, as there was no other specie, every one by tacit consent has received and paid it as if it had been a legal tender.

The question which will arise on that subject is, Ought Congress again [to] make foreign gold a legal tender? and if so, should not something be done on the subject of Spanish gold? To the first question I have no hesitation to answer in the affirmative. But the second is more difficult to solve. It is evident that through mistake we have by law rated Spanish gold coins above their value. English and Portuguese coins are of the same standard with our own. French have been rated properly, or rather a little too low. To continue to receive Spanish coins above their value is to persist in error. To declare that they shall pass hereafter only at their real value will throw a loss on the holders and check the importation of that kind of specie, which in the course of trade is not easily obtained, and chiefly supplies us. To reduce our standard to the Spanish, raising of course the English, and Portuguese, and French gold coins to what would become their real value, might properly be considered as an alteration of our coins.

JEFFERSON TO GALLATIN.

October 11, 1805.

Th. J. to Mr. Gallatin.

The reasons of the bank against importing coin seem good under their views of the subject, which perhaps are not broad enough.

I think Congress should renew the tender of foreign coins; but whether any alteration in the comparative value of Spanish gold should be made admits of question. I imagine Colonel

Hamilton had assays made wherein he founded his rates of foreign coins. Indeed, I think I recollect his having stated in some of his reports the particulars of his assays. I am almost certain Mr. Rittenhouse on some occasion reported assays to Congress; their result, I presume, was agreeable to what the law established. The assay by the bank on two single pieces is on much too small a scale to shake the legal establishment; they should be made on large masses, and by persons known to us. If the assay of the bank be sufficient to excite any suspicion, it would be better to instruct Mr. Patterson to have a sufficient assay made on a mass of Spanish gold, and to report on the subject. If there be not considerable error in the present rate, I should be against touching it. The merchants will soon learn to correct small errors in what they receive in foreign countries, and for interior circulation a small error is unimportant; it is like the case of worn silver or gold. Affectionate salutations.

JEFFERSON TO GALLATIN.

October 23, 1805.

Th. J. to Mr. Gallatin.

I send for your perusal another letter of Mr. Madison, which I will ask the favor of you to return immediately with the one sent on Saturday, and on which it is necessary to act.

The war on the Continent of Europe appears now so certain, and that peace is at least one year off, that we are now placed at our ease in point of time. We may make another effort for a peaceable accommodation with Spain without the danger of being left alone to cope with both France and Spain; and even if we are driven to war, it is now much more questionable than it was whether we had not better enter into it without fettering ourselves with an alliance, that we may be free to retire whenever our terms can be obtained. Peace cannot now be made in Europe but by a general convention, and that will take best part of a twelvemonth to arrange. Our question now is in what way to give Spain another opportunity of arrangement?

Is not Paris the place? France the agent? The purchase of the Floridas the means? Affectionate salutations.

JEFFERSON TO GALLATIN.

November 3, 1805.

Th. J. to Mr. Gallatin.

I wish for an *à peu près* of the number of seamen we call ours. I suppose the best way of estimating will be by our tonnage, including coasters, bay and river craft, and everything employed on the tide-waters. Can you assist me with the materials for such an estimate? It is of some importance for my bill for a naval militia; that and the one for the land militia I will send you for consideration as soon as you can assist me as above.

GALLATIN TO JEFFERSON.

Department Treasury, 5th November, 1805.

Dear Sir,—Annexed is a sketch of the receipts and expenditures for the year ending 30th September last. It cannot be perfectly correct, and several alterations will certainly be made on the official examination of the accounts. But the variations will not be such as to affect any general result. The most imperfect part is the estimate of that part of the customs which arise from the Mediterranean fund, and which we do not consider as part of the permanent revenue.

With respectful attachment, your obedient servant.

Note.—We have actually paid this year about six millions of the principal of the debt contracted before your Administration, viz.:

Domestic and foreign debt, as per note *f*,	$4,200,000
British convention, being in exchange of the 6th Article of Jay's treaty,	1,776,000
Payment for lands in stock, as per note *b*,	45,000
	$6,021,000

A Sketch of the Receipts and Expenditures of the United States for the year ending 30th September, 1805.

Receipts, viz.:

Customs (*a*),	$12,773,045.56	
Sales of lands (*b*),	621,895.08	
Postage,	28,500.00	
Arrears of direct tax and internal duties,	61,087.80	
Incidental (*c*),	14,718.68	
Repayments (principally for bills of exchange protested),	157,506.89	
		$13,656,753.96
Cash in Treasury 30th September, 1804,		4,882,351.35
		$18,539,105.31

Expenditures, viz.:

Civil list,		$615,652.26	
Miscellaneous (*d*),		545,091.91	
Diplomatic and Barbary,		258,017.74	
British convention (the two last instalments),		1,776,000.00	
Purchase of Louisiana (French bills),		350,559.10	
Army and Indian Department,		749,281.28	
Navy Department (*e*),		1,314,001.22	
Domestic debt and loans,	$5,724,811.58	8,356,338.20 (*f*)	
Foreign debt,	2,631,526.67		
			$18,963,941.71
Cash in Treasury 30th September, 1805,			4,575,163.60
			$18,539,105.31

Notes.

(*a*) About 700,000 dollars of this sum arises from the Mediterranean fund.

(*b*) Besides about 45,000 dollars paid in stock.

(*c*) Fines, patents, fees, certificates, &c.

(*d*) Surveying, bonds on land claims, light-houses, marine hospitals, mint, military pensions, Capitol, Maryland loans, &c.

(*e*) It is apprehended that the Navy Department will have expended at least 300,000 dollars more than that sum, and more than the appropriations; for which difference they are in debt, and cannot pay till Congress shall have made an additional appropriation.

(*f*) Of which the payments for interest are estimated at	$4,156,338.20
and those of principal redeemed at about	4,200,000.00
	$8,356,338.20

JEFFERSON TO GALLATIN.

November 6, 1805.

Th. Jefferson to Mr. Gallatin.

In the case of L. H. Guerlain, of New Orleans, it is undeniable that a fraud on the revenue was meditated. Yet, under all the circumstances of the case, I am of opinion he will be sufficiently punished by forfeiting the difference between his invoice and the appraisement, stated to be $7548.45, by the payment of duties, $9500, and by the loss by the proceeds of sales.

The chief motive, which in other cases might restrain the disposition to remit, would be the interest given by law to the custom-house officer or informer; but I understand the officer was to give an exorbitant fee to his attorney in the case if he obtained a conviction: this completely does away all regard to his interest, and places him under our eye in the most unfavorable light. If lawyers are to be urged to use all the resources of their profession, by exorbitant fees, to convict those accused, the next step will be the subornation of witnesses, and other foul practices. Proceedings leading to such oppression of individuals should be marked with the disapprobation of government. Knowing as I do the correct character of Mr. Brown, I am at a loss to account for this act of impropriety, and think the request of an explanation (if the fact be true) would be a proper admonition to guard his future conduct. Affectionate salutations.

JEFFERSON TO GALLATIN.

November 16, 1805.

Th. J. to Mr. Gallatin.

The Jersey law puts the lands on Sandy Hook completely in our power; and having paid the money, the fee-simple is fixed in the United States unconditionally forever; nor would it be in the power of the Jersey Legislature to alter it were they disposed. Mr. Hartshorne's conduct has been so sordid as to prove that nothing restrains him from any robbery, private or public, but

the power of the law. He is entitled to no indulgence, therefore; but for the sake of peace we may yield something. I think it would be wrong to tack his conditions to the fee-simple of the land forever. It would be a kind of hereditary trammel unknown to our estates in this country, and which would adhere to this land forever, even should it become private property hereafter. I would, therefore, limit the existence of the restrictions to twenty, or any other number of years you please, and substitute the *present* instead of the *reasonable* terms therein spoken of, and which is too vague. Affectionate salutations.

JEFFERSON TO GALLATIN.

November 20, 1805.

Th. J. to Mr. Gallatin.

Can you be so good as to let me have the financial paragraph this morning, as there is not more than time enough to submit the message successively to the different gentlemen for correction and then to have copies?

GALLATIN TO JEFFERSON.

[21st November, 1805.]

DEAR SIR,—I stayed yesterday at home preparing my report for Congress, and did not receive your note till evening. The sickness of a clerk who has received the proper instructions to analyze in the form I want the collectors' returns of revenue prevents yet my giving precise sums, and they may yet be considered as blanks. The first paragraph of that part of the message which relates to the Treasury will, however, be certainly within bounds with the following alterations:

1st. Receipts in the Treasury, say only upwards of 13 millions instead of 13½. The amount of those receipts is correct as I gave it to you, but a part arises from repayments, which do not constitute any part of the *revenue*.

2d. Instead of the words "upwards of six millions, &c.," to the word "convention," say, "have enabled us to pay nearly two millions of the debt contracted by the British treaty and convention, and upwards of four millions of the principal of the funded debt."

3d. At the end of the paragraph, when speaking of the total redemption of the principal of the funded debt, say "upwards of 17 millions," instead of "between 16 and 17 millions."

4th. I would also propose to transpose the sentence, "and there remained in the Treasury, &c., upwards of 4½ millions," in order to throw it in the ensuing paragraph for the purpose of introducing as connected with it the following information, which is now omitted, viz.: that the increase of receipts and revenue during last year (which are the cause of so much as 4½ millions remaining in the Treasury) will enable us next year not only to pay the current demands, &c., as stated in the second paragraph, but also to pay the whole amount of 3,750,000 dollars for American claims assumed by the French convention, without recurring to the authority which had been given to borrow 1,750,000 dollars for that object. For we had heretofore never engaged to pay more than two millions of that item out of the common Treasury receipts.

By what precedes I have anticipated all I had to say on the second paragraph. The only thing which perhaps should be added to the information given of an expected surplus of one million for next year, is that that expectation is confined to next year.

For it is altogether predicated on the calculations of an European war revenue; and even whilst that war continues, the revenue will be materially affected by the late measures of England, if persisted in and carried to the threatened extent. Every measure of retaliation which we may adopt, however well calculated for that object, will have a tendency rather to diminish than to increase the revenue; and, at all events, will not diminish the decrease produced by the English measures. I must also add that in calculating the surplus I had estimated the navy expenditure at the old agreed-on sum of 650,000 dollars, instead of which the estimate of the Secretary of the

Navy, besides the deficiencies of this year, amounts for the current service of next year to 1,070,000 dollars.

Upon due consideration, I think that the two last paragraphs should be omitted. As it relates to foreign nations, it will certainly destroy the effect intended by other parts of the message.

They never can think us serious in any intentions to resist if we recommend at the same time a diminution of our resources. But as it relates to ourselves, the fact is that we want the money to effect the Florida purchase.

The two millions wanted immediately cannot be procured without that fund. If we part with it, we must borrow for that object. To that resource I feel a great reluctance when it can possibly be avoided. It would be very pleasing to give the pattern of an eight years' Administration who had done the business of the nation without recurring to any loan. We may within three years, with the aid of that fund, pay entirely for Florida, and then the salt duty may be given up. For at the end of the year 1808, Florida being paid for, about 30 millions of the funded debt extinguished, the ordinary revenue increased perhaps one million by our natural increase, and the United States no longer obliged to pay 8 millions a year for the debt unless convenient, you could recommend the abolition of the salt duty instead of merely a substitution. I heartily wish it to be done within our time, but had rather abstain for this time from a positive recommendation than to be obliged to borrow. It is not indeed probable that the proposed plan for Florida will be relished by Congress, unless they see that the object can be obtained without increasing the debt.

It must also be remembered that in the message you leave it a matter of doubt whether it may not prove necessary to increase the army.

With respectful attachment, your obedient servant.

I find amongst my papers a view of the Spanish ports in Texas, taken from Pagès, Sibley, Nolen, and Humboldt; perhaps you may find something in it to add to your notes. Sibley places the settlement at Bayou Pierre in one of his letters

50 and in another 80 miles above Natchitoches, Campti he places uniformly at 20.

JEFFERSON TO GALLATIN.

November 24, 1805.

Th. J. to Mr. Gallatin.

I send you the message to ask a scrupulous revisal, and as early an one as you can, because there does not remain more than time enough to submit it successively to the other gentlemen for their corrections, to make copies, &c. On reviewing what had been prepared as to Great Britain and Spain, I found it too soft towards the former compared with the latter, and that so temperate a notice of the greater enormity of British invasions of right might lessen the effect which the strong language towards Spain was meant to produce at the Tuileries. I have, therefore, given more force to the strictures on Britain.

GALLATIN TO JEFFERSON.

REMARKS ON THE MESSAGE.

[25th November, 1805.]

The second paragraph on the yellow fever ends rather abruptly; nothing is proposed or suggested for Congress to do which can remedy the inconvenience complained of.

Third paragraph.—"On the rumor of such an armament, &c." I would rather suppress those words, and say only, "Most of them have lately disappeared, &c."

Fourth paragraph.—"Similar aggressions are now renewed and multiplied both in Europe and America." It seems that this mode of expression might be softened, or some direct allusion made to the favorable change announced by Yrujo's communication, and especially by Pinkney's last letter.

Do.—"all this by the regular officers and soldiers, &c." As this alludes to what has been done in the territory delivered by Spain, and excludes, therefore, the seizure at Bayou Pierre, it is

doubtful whether *officers* have been actually parties to the act, for the only act I remember is the robbery near Opelousas.

Do.—The words added in pencil are, I think, perfectly proper.

Do.—*Speaking of the militia*—the words "our younger citizens *of* all times" contain, I suppose, a mistake in transcribing.

Indian treaties, "the *whole* of both banks from the Ohio, &c." This is not strictly correct; the lands between the mouth of the Tennessee and the mouth of the Ohio have not been ceded by the Chickasaws.

Financial paragraph—"in the three preceding years." I had not attended in my former remarks to the period embraced by the message, which exactly covers four years, viz., from 1st October, 1801, to 1st October, 1805; but had taken it to be four years and half, or from 1st *April*, 1801.

The debt redeemed during the four years is only sixteen millions and half, as you had it at first. The debt redeemed during the four years and half (viz., from the beginning of your Administration) is seventeen millions eight hundred and seventy-five thousand dollars. If you preserve the words "three years" (which is, I believe, necessary to make this message a proper sequel of the preceding ones), then you must say, "upwards of sixteen," or "sixteen millions and half," instead of "seventeen millions."

Same paragraph.—The words, "as fast as the original contracts permit," should be struck out, as the contracts will not yet this year prevent our applying the whole sum of eight millions. In the same sentence the word *redeem* is not sufficient: the eight millions are appropriated for both the payment of interest and redemption of principal.

The above remarks are all unimportant; but I really discover, notwithstanding the delicacy of the subjects introduced, nothing which seems objectionable or susceptible of alterations for the better. Perhaps, as there will be a difference of opinion on the efficacy of the various modes of defending our harbors, that part of the message might be so modified as not to exclude altogether the idea of permanent additional fortifications.

I mentioned that the peace establishment navy law was altogether incompetent, inasmuch as it authorizes the employment of frigates only, and those manned with only two-thirds crew, and absolutely directs that six such shall be put in commission.

An authority to preserve and, indeed, to appoint a greater number of captains and lieutenants is also desirable. But whether these points should make part of the message or be introduced in some other way is not for me to say; only some apparent attention to render our small force more efficacious and to provide for the promotion of some of the officers might have a good effect on our foreign relations, and would be popular at home.

Respectfully submitted.

JEFFERSON TO GALLATIN.

November 26, 1805.

Th. J. to Mr. Gallatin.

1. The concessions to Renault. As to those in the Territory of Indiana, that country having been claimed by England at all times, conquered in the war of 1755, and confirmed to her in 1763; conquered by the United States, and confirmed to them in 1783; and all ancient titles there settled and done with by authority of the United States; these claims of Renault are certainly at an end.

2. As to those in Louisiana; I believe it has been a law as well as invariable usage with the Spanish government in that country to consider all concessions void which were not settled within one, two, or three years, which condition was often expressed in the grant, and understood where not expressed. O'Reilly's Ordinance is evidence of this policy and practice. But independently of positive law, prescription is a law of reason: if Renault ever took possession, which does not appear, he has abandoned that possession more than sixty or seventy years, as appears by Austin's statement, which is that so long ago as 1738 these mines were considered as public property.

3. As to the concessions in 1797 to Winter and others, exclu-

sive of the fraud and illegality so obvious on their face, they bore the express condition of becoming void if not settled in a year.

However, the commissioners of Congress (I believe) are to report titles for the ultimate decision of Congress. Whether it would be proper for us in the mean time to express sentiments which might discourage speculations is to be considered of.

I had been sensible the passage on the yellow fever appeared bald, for want of a practical application. The real object being to bring important facts before foreign governments, an ostensible one was necessary to cover the reality. I have endeavored at it in the enclosed, as well as some other supplements suggested by you, of which I ask your consideration. Affectionate salutations.

JEFFERSON TO GALLATIN.

Enclosed for consideration and amendment.

[November, 1805.]

The best ground for estimating the number of seamen of the United States to be enrolled under the Act for establishing a naval militia is the tonnage of our vessels. The latest return of tonnage states it to have been on the 31st of December, 1803, as follows:

		Tons.
Registered tonnage employed in foreign trade,		585,909
In the whale-fisheries,	12,389	
Cod-fisheries,	50,969	
		63,358
In the coasting trade,		267,787
		917,054
We are supposed to employ usually in navigating our vessels about 6 men to every 100 tons. But allowing for those who are not free white citizens within the military age, we may estimate 5 to the 100 tons.		5
		45,852

To these should be added the seamen then in our navy, and those employed on the tide-waters within the United States, which we may safely state as making the whole number amount to 50,000

An Estimate of the Land Militia of the United States.

The census of 1800 gave us of free white males of
16 and under 26 384,554
of 26 and under 45 423,836
Our military age excluding those under 18, we must from the number 384,554
deduct those in their 17th and 18th years, which, by Buffon's tables, will be 80,405
Remain of the age of 18 and under 45, to wit, the minor and junior classes, 304,149

Our censuses of 1790 and 1800 having showed our increase to be in a geometrical ratio of 3½ per cent. per annum, the increase from 1800 to 1805 is 54,184
leaving our whole number of free white males from 18 to 26 in 1805 358,333

From these are to be deducted the naval militia-men, but far the greater part of those employed in the foreign trade and whale-fisheries being always absent, it is believed that not half of them were included in the census. Those supposed included, then, are 35,000, of which, according to Buffon, those of 18 and under 26 will be only 11,711
leaving of free white landsmen from 18 to 26 in 1805 346,622
From these are still to be deducted those not able-bodied: suppose them 1 in 10, 34,662
leaving of free, white, able-bodied landsmen of 18 and under 26 311,960

To find what proportion of these will be of the minor and what of the junior class, we are to inquire, of 311,960 persons of 18 and under 26 years of age, how many will there be of each different year of age? Buffon's tables resolve them as follows: As 84,589 in Buffon from 18

to 26 : to 311,960 in the United States of the same age: so are 11,014 in Buffon in their 19th year : to x, the number in the United States in their 19th year; then $x = \frac{311,960}{84,589} \times 11,014 = 3.69 \times 11,014$. Consequently

			Buffon's Nos.	In U. S.		
those in their	19th	year will be	3.69 × 11,014 =	40,619		
	20th	" "	× 10,919 =	40,267	= 120,598	of the minor class.
	21st	" "	× 10,768 =	39,712		
	22d	" "	× 10,675 =	39,368		
	23d	" "	× 10,514 =	38,775		
	24th	" "	× 10,380 =	38,281	= 191,358	of the junior class.
	25th	" "	× 10,259 =	37,884	311,956	
	26th	" "	× 10,060 =	37,100		
				311,956		

To obtain the respective numbers of the middle and senior classes, the census of 1800 gave for both 423,836

Add the increase from 1800 to 1805,	75,506
	499,342
from which are to be deducted seamen from 26 to 45,	23,289
	476,053
deduct those also not able-bodied, suppose 1 in 10,	47,605
leaves free, white, able-bodied landsmen from 26 to 45,	428,448

Buffon's tables make the numbers of 26 and under 35 = 84,182, and those of 35 and under 45 = 84,018. These are so nearly equal that we may consider the

middle class one-half, to wit,	214,224
and the senior class one-half, to wit,	214,224

Recapitulation.

Naval militia,		50,000
Land militia, minor class,	120,598	
junior "	191,358	
middle "	214,224	
senior "	214,224	740,404
		790,404

An Act for classing the militia and assigning to each class its particular duties.

Be it enacted, &c., That every free, able-bodied white male citizen of the United States of the age of 18 years and under the age of 45, whose principal occupation is not on the high sea or the tide-waters within the United States, shall be of the militia for the land service of the United States.

Enrolment.—The persons so to constitute the land militia shall be enrolled by their names and ages in their proper districts, and in books to be kept for that purpose; such enrolment to be made without delay of those now within the description, and from time to time as to others who shall hereafter become so, always noting the date of the enrolment, and placing in a distinct page or part of the book those of every different year of age, from 45 down to 18. In deciding on the ages of the persons to be enrolled, the officer shall make up his judgment from the information of the party himself, and from such other information as he can obtain, and where this is not satisfactory, then from his own inspection.

Classification.—The said militia shall be distributed into classes as follows, to wit: the junior class shall be composed of those above 21 and under 26 years of age; the middle class of those above 26 and under 35 years of age; the senior class of those above 35 and under 45 years of age; and those above 18 and under 21 years of age shall compose the minor class.

Their training.—The junior and minor classes shall each have their separate captains and other inferior officers, those for the juniors being selected with a view to actual service, and shall be strictly trained to the exercises and manœuvres of a soldier, either of artillery, infantry, or cavalry, as may be lawfully designated; for which purpose they shall be mustered and trained one whole day in every month of the year, two of which musters shall be in battalion and the others in companies. The captains of the said two classes, with the general and field officers having command over them, shall form a distinct court-martial for the rigorous enforcement of the duties of attendance and training. Each person of the said junior class shall be furnished with a good musket, bayonet, and cartridge-box at

the public expense, so soon as they can be provided, which, except where he shall be of the cavalry or artillery, he shall be bound to produce in good order at every muster at which he shall be, so long as he shall be under the age of 45 years, after which it shall be his property.

Where, at the passing of this Act, any member of the militia shall be in the possession of such arms provided by his State or Territory, or by himself, the same shall be reviewed and valued by some person appointed on the part of the United States, and if found in perfect order and of proper calibre, they shall be paid for by the United States if such be the choice of the party furnishing them, and shall thereafter be in the hands of the holder as the property of the United States, under the same trust and right as if they had been originally furnished him by the United States.

The middle class shall in like manner be formed into companies by themselves, to be commanded by their own captains and other inferior officers; they shall be mustered and trained twice only in the year in companies, and once in battalion. The senior class, in distinct companies also, and under its own captains and other inferior officers, shall be mustered and trained one day in the year only in companies, and one in battalion; and both the middle and senior classes shall be under the jurisdiction of their captains, formed into one and the same court-martial, with the general and field officers having command over them.

Actual service.—The junior class shall be liable to perform all active military services within the United States, or the countries $\left\{\begin{matrix}\text{next adjacent}\\\text{in their vicinity}\end{matrix}\right\}$, by tours of duty not to exceed one year in any two; and in order that the said services may be required of them equally, those of every $\left\{\begin{matrix}\text{company}\\\text{battalion}\end{matrix}\right\}$ shall be divided by lot into ten parts or portions, as nearly equal as may be, each portion to be distinguished by its particular number, from 1 to 10, and to be called into duty in the order of their numbers, such call extending to so many numbers as the exigency may require; and every person so called on may be assigned to the service of the artillery, infantry, cavalry, or of any other description as the competent authority shall direct.

The middle class shall be liable to be called on to do duty within their State only, or in one of the adjoining States; and that by tours not exceeding three months in any year; for which purpose they shall be distributed into portions and numbers, and called on in routine, as is provided in the case of the junior class.

The senior and minor classes shall be liable to be called on to do duty within their own State only, and by tours not exceeding three months in any year; and they shall be separately distributed into portions and numbers, and called on in routine as provided for the other classes.

Exemptions from militia duty shall only extend to the ordinary duties of mustering and training after having entered the middle or senior class. Such exempts shall nevertheless be enrolled in their classes and numbers, and, when called on for actual military service, shall be bound as others are to perform their due tours.

If any person called on to do the actual duties of his class shall refuse or unnecessarily delay to enter on duty, he shall be arrested as a deserter either by the civil or military authority, shall be delivered to the proper military officer, and either punished as a deserter, or compelled to perform his tour of duty; but any person so called on may commute his personal service by tendering as a substitute an able-bodied free white man fit for the service in the judgment of the officer who is to command him, and willing to engage therein. And all persons while engaged in the performance of a tour of duty shall have the pay and rations allowed in the army of the United States, and be subject to the rules, regulations, and articles provided for the government of the same.

All provisions in any law of the United States, or of any particular State or Territory, inconsistent with those of this Act, are hereby repealed; and all provisions in the laws of the United States, or of any particular State or Territory, not inconsistent herewith, shall be understood to be left in force, and liable to alteration by their respective enacting authorities.

A Bill for establishing a Naval Militia.

Be it enacted, &c., that every free, able-bodied white male citizen of the United States, of the age of 18 years, and under

the age of 45, whose principal occupation is on the high sea or on the tide-waters within the United States, shall be of the militia for the naval service of the United States, and shall be exempt from the services of the land militia.

The persons so to constitute the said naval militia shall be enrolled in the several ports, harbors, or towns thereto adjacent to which they belong or are most convenient, by their names, ages, places of birth and abode, and personal descriptions, with the date of their enrolment; and shall be formed into companies, each to be commanded by a lieutenant-commandant and second lieutenant, to be appointed by the authority of the State to which such company belongs.

It shall be the duty of the senior lieutenant-commandant of each port, harbor, or town thereto adjacent to enroll in a book, to be kept by him for that purpose, all persons who by this Act are made naval militia-men, belonging to his said port or harbor, or within the limits assigned as most convenient to the same; registering in a distinct page or part of his book those of every different year of age from 45 down to 18; and whenever a person enrolled in one port of the United States shall remove to another, the enrolling officer of the latter port shall immediately enter him on his book, noting the date and place of his former enrolment, in addition to the other circumstances before prescribed.

In deciding on the ages of persons to be enrolled, the officer shall make up his judgment from the information of the party himself, from such other information as he can obtain, and from his own inspection.

Every person enrolled shall be entitled to receive from the officer possessing the book of enrolment an authenticated transcript from the same of the entry respecting himself, on payment of twenty-five cents, and to have the same renewed on the same condition from time to time when lost or destroyed, which shall exempt him from training duties at the port of his former enrolment, and from the duties of the land militia; and shall be considered otherwise as instead of the certificate of citizenship heretofore given by the collectors of the customs; which certificates shall hereafter cease to be given.

Every enrolling officer shall on, or immediately after, the 1st day of October in every year make a return of his roll to the Secretary of the Navy of the United States according to its actual state, as affected since the last return by age, discharge, death, removal, new enrolments, or otherwise.

It shall be the duty of the said officers once in every [two] months at least to train the men under their command, who may be within their limits at the time, to the use of artillery or the manœuvring of gunboats or other armed vessels assigned to the defence of their port, or confided to their use. And all acts of disobedience or failure in duty herein, in either officers or men, shall be liable to the same pains, penalties, and coercions, and to trial by a court-martial consisting of three at least of their own officers, as are provided in the corresponding cases by the laws for the government of the land militia of the United States.

In cases of insurrection, of opposition to the civil authority, or of sudden attack by an enemy happening in any port, harbor, or town on the tide-waters, or on the coasts in their vicinities, all persons then and there being who make a part of the said naval militia, whether of the same or of any other place, shall be liable to be called on to do duty with artillery or on board any armed vessels for the special occasion of quelling the insurrection, enforcing obedience to the civil authority, or resisting the attack; and in time of war, either actual or imminent, all under [35] years of age, wheresoever they shall happen to be within the jurisdiction of the United States, shall be liable to be called on to perform tours of duty not exceeding one year in any [two] on board of any of the public armed vessels of the United States, in which the said militia officers, in subordination to the regular officers of the United States of equal or superior grade, shall have the immediate command and care of them.

And if any person so called on shall refuse or unnecessarily delay to enter on duty, he shall be arrested as a deserter either by the civil or military authority, and shall be delivered to the proper military officer, and either punished as a deserter or compelled to perform his tour of duty; but any person so called on may commute his personal service by tendering an able-bodied free white man, a citizen of the United States, fit for the service

in the judgment of the officer who is to command him, and willing to engage therein. And all persons while engaged in the performance of a tour of duty shall have the pay and rations allowed in the navy of the United States, and be subject to the rules and regulations provided for the government of the same.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY, November 27, 1805.

DEAR SIR,—The supplements to the message exactly meet my ideas. Only I do not understand precisely the limitation to the number of captains and lieutenants, which is intended by the words "to the number of frigates which were actually retained for service." But if I understand it, it seems to me that the word *vessels* should be substituted to *frigates*, and *employed in that* to *retained for*. Perhaps, however, I am mistaken in your intention of limitation.

The yellow fever part of the message will bring on you all the fever-importers and boards of health of the Union.

With respectful attachment, your obedient servant.

GALLATIN TO JEFFERSON.

REMARKS ON SPANISH MESSAGE.

[3d December, 1805.]

End of first paragraph.—Considering the last proposition made by Spain on that subject, it seems to me that instead of saying "unless we would relinquish all claims, &c.," it would be more correct to say, "unless we would assent to modifications (or alterations in the instrument) affecting our claims, &c.," or words to that effect.

Beginning of second page—"to avoid all *explanation* and engagement." I think it is going too far to say that Spain avoided all explanation. It seems that Cevallos, in his several letters discussing the questions of right, a discussion by the by which

was not calculated to promote a final arrangement, gave sufficient explanations of the claims and views of Spain; it is true that they gave no explanation of the ground on which they would ultimately come to an agreement. But as the sentence might be misconstrued, it may be safer to say only that she avoided any engagement or even proposition leading to an arrangement.

Beginning of third page.—The opinion of the inference to be drawn from the silence of France is perhaps too strongly expressed as to extent. I would prefer to omit mentioning Rio Bravo by name, particularly because it is intended to accept of the Colorado as a boundary; and this, when the treaty shall come before Congress, would be considered as a concession; it might then be said that we had given for Florida both the money and the country between Colorado and Rio Bravo. I would prefer saying only "her opinion in favor of our claim in that quarter; and we had reason to believe that her commissary, &c." Of the last fact we have only hearsay evidence of Laussat's declarations.

Last paragraph but one.—It seems to me that the latter part of this, from "formal war" to the end, breaks the connection of the sentiments intended to be conveyed. For it is the object of the two last paragraphs to inform Congress that France being disposed to favor an arrangement, the present moment should not be lost, but that the means must be supplied by Congress. It is also intended to say that in the mean while, and in order to promote an arrangement, force should be interposed to a certain degree. But I think a transposition would make the whole clearer.

To the tenor of the message itself I have but one objection, that it does not explicitly declare the object in view, and may hereafter be cavilled at as having induced Congress into a mistaken opinion of that object. For although the latter end of the third paragraph is expressed in comprehensive terms, yet the omission of the word Florida may lead to error; nor does the message convey the idea that in order to effect an accommodation a much larger sum of money will probably be requisite than had been contemplated. Perhaps if, when speaking of

means in the last paragraph, some epithet was added (greater means, or to a greater extent than had been contemplated), it would free the message and subsequent proceedings of the Executive from any objections of that kind.

JEFFERSON TO GALLATIN.

SPANISH RESOLUTIONS. 1805.

For consideration and correction. Th. J.

1. Resolved, that no armed men, not being citizens of the United States, ought to be permitted to enter or remain, nor any authority to be exercised but under the laws of the United States, within the former colony or province of Louisiana in the extent in which it was in the hands of Spain.

2. Resolved, that as to the residue of the said "former colony or province of Louisiana, in the extent it had when France possessed it," a peaceable adjustment of that extent is most reasonable and desirable, so far as it can be effected consistently with the honor of the United States.

3. Resolved, that pending measures for such peaceable adjustment, neither party ought to take new posts therein, nor to strengthen those they held before the 1st day of October, 1800, and that any proceeding to the contrary on the part of Spain ought to be opposed by force, and by taking possession of such posts as may be necessary to maintain the rights of the United States.

4. Resolved, that the subjects of Spain still on the Mississippi and its waters ought to be allowed an innocent passage, free from all imposts, along that part of the river which passes through the territory of the United States. And the citizens of the United States on the Mobile and its waters ought to be allowed an innocent passage, free from all imposts, along that part of the river below them which passes through the territory still held by Spain, but claimed by both parties;

Or that imposts should be levied for and by the United

States on the navigation of the Mississippi by Spanish subjects, countervailing those which may be levied for and by Spain on the navigation of the Mobile by citizens of the United States.

And that the navigation of the Mississippi by Spanish subjects should be prohibited whensoever that of the Mobile by citizens of the United States shall be prohibited.

5. Resolved, that in support of these resolutions, and of the consequences which may proceed from them, the citizens of the United States, by their Senate and Representatives in Congress assembled, do pledge their lives and fortunes; and that the execution of these resolutions be vested with the President of the United States.

6. Resolved, that for carrying these resolutions into effect, whether amicably or by the use of force, the President be authorized to apply any moneys in the Treasury of the United States not otherwise appropriated.

7. Resolved, that the President of the United States ought to be authorized by law to employ the armed vessels of the United States which may be in commission, for restraining the irregularities and oppressions of our commerce, other than those which amount to piracy, by privateers cruising within the Gulf Stream, in the Gulf itself, or among the islands bordering on it, and that a bill be brought in for that purpose.

GALLATIN TO JEFFERSON.

REMARKS ON SPANISH RESOLUTIONS.

[8d December, 1805.]

Three distinct objects to be obtained from Congress:

1st. Some public resolutions, bottomed on the public message of the President, expressive of the determination of that body to support the just claims of the United States in case no arrangement should take place.

2d. Some expression of the intention of the Legislature to enable the President to make an arrangement in the manner suggested by his private message; so expressed as to cover the

whole ground and as to justify the steps he means to take, but not so as to divulge the extent to which he may go.

3d. An immediate appropriation of a sum which, if necessary, may be paid on obtaining an order of delivery and without waiting for the ratification of the treaty.

The apparent difficulty in framing the resolutions arises from the attempt to blend the three objects together. The same reasons which have induced the President to send two distinct messages render it necessary that the public resolutions of Congress should be distinct from the private ones; that those which relate to the war posture of the Spanish affairs, which are intended to express the national sense on that subject, and to enable the President to take the steps which appear immediately necessary on the frontier, should not be mixed with those proceedings calculated only to effect an accommodation.

The course now recommended is precisely that which was followed in the Louisiana business when the deposit was withdrawn. A public resolution (which was indeed attacked as wanting sufficient energy, but we may easily give a proper tone to those wanted at present) was moved by Randolph and adopted by the House. A committee in the mean while brought in a confidential report sufficient to support and justify the President in the purchase he was going to attempt, and to this an appropriation law in very general terms was added. To follow a similar course appears not only best, but will also, as founded on precedent, be the smoothest mode of doing the business in Congress.

On that ground, the five first resolutions proposed by the President, together with such modifications as may be suggested, and the additional one respecting the spoliations, will form the public resolutions to be adopted either in committee of the whole on the Union, or by the select committee to which the Spanish part of the public message may be referred.

The select committee to whom the private message may be referred will make the report which we want to justify the instructions intended to be given to Mr. Armstrong for the purchase of Florida, &c. We cannot dictate what that report will be, but only suggest generally what we want; and provided

we have a good committee and their report favors the object, nothing more is wanted, as no question will be taken in Congress on the report itself. That middle way of previous approbation is perhaps the most congenial to the free exercise of the respective functions of the several Departments. It gives sanction enough to the views of the Executive to enable him to proceed, yet without either taking away his ultimate responsibility or committing the House to an indiscriminate previous approbation.

The only resolution reported by the committee will be that for appropriating, on which a law in general terms, viz., for foreign intercourse, will be bottomed, appropriating the sum which Congress may fix as a payment previous to the ratification; and I presume that two millions will be sufficient and may be obtained from that body. I do not think that they ever will agree to any vague limitation, or to any other, indeed, but that of the sum itself; and the precedent would be so bad that it is not desirable they should.

If the President thinks that course generally eligible, the only object which calls immediate attention is that of the public resolution. I have only those which had been first suggested, and cannot make any remarks precisely applicable to their present shape, modified as they have been since. I have already verbally mentioned that it did not seem to me that the object expressed in the four first resolutions was of sufficient magnitude to justify the solemnity of the fifth resolution; and I would rather that this last should be confined to the vesting in the President the execution of the others.

On the subject of the new (indemnities) resolutions, I am still of opinion that the United States should not pledge themselves to pursue to effect the indemnities for which any nation is answerable to the citizens of the United States. Although the omission of the word *justly* qualifies the declaration, and it might be argued that that for which Spain is strictly answerable is only what she has recognized, yet the expression is too general not to convey a different meaning.

The true reason why we mean never to abandon the claim for spoliations provided for by the convention is, that their

justice was formally acknowledged by Spain; and I think it would be safer to place it on that ground, by either a direct allusion to the convention or by expressions alluding to the recognition by Spain.

JEFFERSON TO GALLATIN.

December 4, 1805.

Th. J. to Mr. Gallatin.

Enclosed is a revised edition of the Spanish resolutions, in which you will find most of your ideas conformed to. That respecting money is omitted; that it may be provided in the way you suggest. In the message, also, I have adopted all your amendments except the last, which respected merely the arrangement of the phrases, and could not be satisfactorily altered.

[Enclosure.]

1. Resolved by the Senate and House of Representatives of the United States, that the indemnities for which Spain is answerable to citizens of the United States for spoliations and wrongs committed in violation of the law of nations or of treaty, are objects too just and important not to be pursued to effect by the United States.

2. Resolved, that no armed men, subjects of any foreign power, ought to be permitted to enter or remain, nor any authority but of the United States to be exercised, within the former colony or province of Louisiana, in the extent in which it was delivered by Spain under the Treaty of St. Ildefonso.

3. Resolved, that as to the residue of the said former colony or province of Louisiana, and provisions necessary to avoid future collisions and controversies, an equitable adjustment is most reasonable.

4. Resolved, that pending any measures for such adjustment neither party ought to take new posts therein, nor to strengthen those they held before the 1st day of October, 1800, and that any proceeding to the contrary on the part of Spain ought to be opposed by force, and by taking possession of such posts as may be necessary to maintain the rights of the United States.

5. Resolved, &c., that the subjects of Spain still on the Mississippi and its waters ought to be allowed an innocent passage, free from all imposts, along that part of the river below them which passes through the territory of the United States; and the citizens of the United States on the Mobile and its waters ought to be allowed an innocent passage, free from all imposts, along that part of the river below them which passes through the territory still held by Spain, but claimed by both parties.

6. Resolved, that a copy of these resolutions be presented to the President of the United States for his approbation, with an assurance that he will receive from the Legislature the support necessary for carrying them into execution.

GALLATIN TO JOSEPH H. NICHOLSON.[1]

7th December, 1805.

Who are the members of the committee on Spanish affairs? If you are one, I am requested to communicate a paper to you; and it would be perhaps as well that you should see the President before the committee meet.

Yours.

Saturday.

JEFFERSON TO GALLATIN.

Saturday, December 7, 1805.

Th. J. to Mr. Gallatin.

J. Randolph has just called to ask a conversation with me, for which purpose he will be with me to-morrow morning; everything therefore had better be suspended till that is over.

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[1] Endorsed, "Mr. Gallatin's note relative to the appropriation of two millions for the Floridas."

JEFFERSON TO GALLATIN.

December 15, 1805.

Th. J. to Mr. Gallatin.

I return you the papers respecting the Sandy Hook business, which I am content should be closed on the terms already proposed by you. It is well that a government should feel no temper towards a rascally individual, or the present case would justify a high degree of indignation against Mr. Hartshorne.

GALLATIN TO JEFFERSON.

NOTE.—SENDING OFF YRUJO.

[January, 1806.]

If it shall be thought proper and within the legitimate powers of the Executive to seize and send off a foreign minister, would it not be better not to accompany the order to leave the country with the notification that in case of failure he shall be sent off by force? That previous knowledge may enable him to oppose inconvenient resistance, or to place himself in a situation which would increase the difficulty of the seizure, or perhaps prevent it altogether.

It appears unnecessary to protract the term too far, unless it be for the purpose of accommodating the man; for the communication intended for Europe will not reach its destination before the first of September, and a recall grounded on that communication cannot arrive before his voluntary or forcible departure. It would also appear less ungracious to send him off now than after the result of the negotiations now pending between Spain and the United States is known here.

The following expressions in the substance of the intended communication, "that should *he* fail to obey this requisition, we shall still wait a short time, expecting that, &c.," convey the idea that if *he* does not depart within the limited time, we shall still wait a further time. It seems that the order to leave the country, particularly if accompanied with a notification of the

use of force in case of failure, ought to be conclusive, and that no further time should afterwards be granted.

GALLATIN TO JEFFERSON.

NOTE.—INTENDED NEGOTIATION WITH GREAT BRITAIN.

If the United States succeed in making satisfactory arrangements on the three principal points of impressment of seamen, colonial trade, and indemnity for spoliations, it may be naturally expected that Great Britain will require not only the repeal of the Prohibition Act of last session, but also some security that the United States will not, by subsequent Acts of the same nature, place her on a worse footing than other nations. She may reasonably urge that demand on the double plea of having yielded on those points which were the subjects of complaint on the part of the United States, and of her being now, for want of a commercial treaty, placed in that respect at the discretion of the United States; whilst they are precluded by their treaties with the enemies of Great Britain (Holland, France, and Spain) from the power of laying prohibitions or restrictions particularly affecting those nations.

The most natural arrangement in that respect will be simply to agree that the two parties shall enjoy in the ports of each other, in regard to commerce and navigation, the privileges of the most favored nation. But the article should be framed so as to embrace, 1stly, every privilege, and particularly the exemption of foreign duties of every description, either on imports or exports, and including convoy duties that are paid by the most favored nation; 2dly, all the possessions of Great Britain in every part of the world; which will secure admission in the East Indies on the same terms as the most favored neutrals, and in the West Indies on the same terms as the most favored enemies; securing, at all events, such admission in case the colonial regulations should in any instance be hereafter departed from by Great Britain in favor of or relation to any other nation; for which purpose it should be expressly stipulated that privileges

hereafter granted to any other nation shall become common to the contracting nation.

That same clause of the footing of the most favored nation may be extended, not only to navigation and commercial intercourse between the two nations, but to points which relate to the rights and duties of belligerents and neutrals—an arrangement which would secure to Great Britain the same rights in relation to the admission of her armed vessels in our ports and to the exclusion of her enemies' privateers and of their prizes which are now enjoyed by Holland, Spain, and other most favored nations; whilst it would place the rights of the United States as neutrals on the same footing with Russia or the most favored nation, in respect to search, convoys, blockades, and contraband.

If it shall be thought eligible to place the reciprocal commercial privileges of the two nations on a more definite basis than they would be placed by the general expression of the most favored nation (a stipulation which is liable to the difficulty of ascertaining the equivalent to be given in cases where a privilege is granted by one of the contracting parties to another nation in exchange for some boon which the other contracting party cannot give), it may be done either by abolishing all extra duties either on vessels or cargo and reciprocally placing the vessels of the other nation on the same footing with national vessels, in the manner which had been proposed by Great Britain, or by fixing the maximum of extra duty which each nation shall have the right to impose on the vessels or cargoes of the other nation. But should the last alternative be adopted, care must be taken, 1st, that in fixing the maximum of the extra duty to be levied on vessels, all charges whatever and under whatever name known, whether tonnage, light-house money, port charges, &c., shall be included; 2dly, that the maximum of the extra duty to be levied on merchandise imported in the vessels of the other nation (beyond the duties levied on similar articles imported in the national vessels) shall be a percentage on the value of the merchandise itself and not on the original duty; 3dly, that the right of imposing such maximum duties either on the vessels or merchandise shall never be exercised so as to contravene the other stipulation of enjoying the privileges of the most favored nation;

4thly, that the stipulation shall not embrace vessels and cargoes coming from or going to ports from which the vessels or cargoes of the United States are excluded.

The only great branch of commercial intercourse which would remain unprovided for is that of intercourse with the British colonies; and if nothing can be obtained on that ground, care must also be taken, in framing the article of reciprocally enjoying the privileges of the most favored nation, not to deprive the United States of the right of making such regulations as they may think proper in relation to vessels coming from ports from which their own vessels are excluded, or in relation generally to the intercourse with such ports.

As the United States confer no particular benefit on the British possessions in the East Indies by their intercourse with that country, it can hardly be expected that Great Britain will grant anything more than the general stipulation to be placed on the footing of the most favored nations, and it is perhaps problematical whether anything more is very desirable. But, as relates to the West Indies and North American colonies, it must be a permanent object of the United States policy to have the intercourse with them made as free as that with Europe. The relative situation of the United States and of those colonies, and particularly those wants which we can alone supply, must necessarily produce that effect at some no very distant period. And it should not be voluntarily retarded, either by abandoning by treaty the strong hold which our right of stopping the intercourse gives us, or by accepting any temporary or trifling privilege, the exercise of which would diminish the probability of soon obtaining a perfectly free trade.

It is not probable that Great Britain will feel disposed to open the intercourse to our vessels with her North American colonies; nor does it appear that any limitation or restriction can be offered by the United States calculated to quiet the apprehensions of Great Britain that to open that trade to our vessels would destroy their own. I do not perceive that anything else can be proposed but perfect reciprocity, as is contemplated in relation to the intercourse between the United States and the British dominions in Europe; such reciprocity to consist, at the

option of Great Britain, either of a total abolition of extra duties or of a fixed maximum, as above stated; and the intercourse to be also at the option of Great Britain, either general or confined to articles of the growth, produce, or manufacture of the United States and of the said colonies respectively. It must not be forgotten, as relates to our commerce with Nova Scotia and New Brunswick, that however advantageous to both parties, it is more necessary and more beneficial to the United States than to those colonies. The importance of not less than thirty, perhaps fifty thousand tons of plaster to our agriculture needs no comment; and notwithstanding our exclusion, we have, in fact, a greater share of their carrying trade than themselves. The produce of their fisheries is brought by them from Halifax to Boston, and by us from Boston to the West Indies. Their plaster is brought by them from Bay Fundy to Maine, and by us from Maine to New York, Philadelphia, and the Chesapeake. A pitiful jealousy exists between the shipping interest of Massachusetts and that of those colonies. Hence the wish of their legislative assemblies to prohibit the exportation of plaster in their own vessels to our Eastern ports; and hence the law passed on Mr. Crowninshield's motion, which laid the light-house money tax and a high duty on their fish, taking away at the same time the drawback on the re-exportation of such fish. An enlightened policy and a mutual wish to promote the real interest and welfare of the inhabitants on both sides should induce both governments to throw the trade perfectly open. But it cannot be denied that it will give us a very great share of their carrying trade.

The minimum which, in my opinion, should be accepted in relation to the intercourse with the West Indies, will be the admission of our vessels laden solely with articles of our growth, produce, or manufacture, the importation of which in British vessels is not prohibited, on same terms as British vessels solely laden with the colonial articles shall be admitted in our ports; that is to say, either without extra duties or with a fixed maximum of such extra duties, with the two following restrictions: 1st, that Great Britain may prohibit our vessels from exporting from the British West India Islands in sugar and coffee more

than one-half of the proceeds of their inward cargo; 2dly, that such sugar and coffee shall be exported only to the United States, or that the vessels thus admitted in the West Indies shall be obliged to return and land their cargoes in the United States, provided they may, however, on their return touch at any other West India island or Bahama, in order to complete their cargo. For it is usual to carry the specie which proceeds from the sale of a cargo in the West Indies to Turk's Island or the Bahama, and there load with salt for the United States. Although those restrictions, and particularly the first, be inconvenient, yet they may be acquiesced in. As respects the last, it is just to remove any apprehension that our vessels might become carriers of British West India produce to any other country than the United States; and as it relates to the first, the value of our average exportations to the British West India Islands being six millions of dollars, and our importation from thence in every article (sugar and coffee excepted) being three millions of dollars, the privilege of bringing in return in sugar and coffee one-half of the value of our exportation, will just complete the return cargoes. But it would be desirable that the restrictions should be altogether dispensed with, or that Great Britain should allow the exportation in those two articles to the amount of $\frac{3}{8}$ or $\frac{3}{4}$ of the value of our cargoes. As relates to Great Britain, if she will once yield the point of admission, the restrictions which are proposed seem to be amply sufficient to remove her minor objections. We now import, notwithstanding the nominal prohibitions, to some amount (about one million and half dollars in both American and British vessels) in American vessels. The value of our average importations from all the world is, in sugar 7,800,000, in coffee 8,400,000, or more than sixteen millions of dollars. The value of our annual consumption, exclusively of the New Orleans sugar, is, in sugar 4,000,000, in coffee 1,500,000, or $5\frac{1}{2}$ million dollars. To permit us therefore to import for 3 millions cannot enable us to re-export. And three millions of dollars, compared with the value of the sugar and coffee exported annually from the British West Indies, cannot in any degree affect their own commerce or navigation.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 6th January, 1806.

DEAR SIR,—I enclose three letters from the supervisor of South Carolina, which relate in part to a bill of injunction filed against him, at the instance, as I understand, of William Smith, the former member of Congress, for the purpose of stopping all proceedings in the collection of the direct tax. I have marked in each letter the paragraphs which relate to that subject.

This is quite a new proceeding. What Judge Bee will do, no person can foresee. But if a district judge can, on motion of individuals, grant an injunction or issue any other process forbidding generally a supervisor or collector to proceed in the execution of his duties, the whole of our revenue, impost as well as any other, is at the mercy of any evil-disposed and unprincipled or wrong-headed judge. The novelty of the attempt induced me to wait for the Attorney-General. Something, however, must be done. As a part of the last letter of the supervisor embraces some propositions to amend the law, I may send it to some committee, and in that way bring the subject under the notice of Congress.

But must the district attorney be instructed how to proceed? and if the judge shall grant the injunction, must the supervisor obey it and cease to collect? Those are questions on which I request the favor of your opinion, if you do not think it proper to give any positive directions.

Very respectfully, your obedient servant.

I enclose copy of my answer to the first letter of the supervisor, of 14th July, so far as relates to that point. The two last, of 27th October and 19th December, are yet unanswered on that point.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 12th February, 1806.

DEAR SIR,—I return Dunbar's and Cutting's letters, the Detroit petition, and Davies's letter.

On the first subject no other answer can be given than that by law every article is liable to duty except *philosophical apparatus for the use of a seminary of learning*, and implements of trade. If Cutting's come under the last description, they are exempted; if there is a doubt, he may appeal from the collector to the Comptroller. But as models, I think they are liable to duty. Repeated and unsuccessful efforts have been made to extend the exemptions to astronomical instruments generally, to books imported for colleges, &c. The Detroit memorial is badly written, and that part which requests Governor Hull to be made a commissioner is certainly for the Executive and not for Congress. The subject will be in a few days before them, as the commissioners have made a partial report, which will be sent as soon as transcribed. But there is no objection against sending the memorial, except that I think that it will do their cause more injury than good.

Of the General I have no very exalted opinion; he is extravagant and needy, and would not, I think, feel much delicacy in speculating on public money or public land. In both those respects he must be closely watched; and he has now united himself with every man in Louisiana who had received or claims large grants under the Spanish government (Gratiot, the Chouteaus, Soulard, &c.) But, though not perhaps very scrupulous in that respect, and although I fear that he may sacrifice to a certain degree the interests of the United States to his desire of being popular in his government, he is honorable in his private dealings, and of betraying his to a foreign country I believe him altogether incapable. Yet Ellicott's information, together with this hint, may induce caution; and if anything can be done which may lead to discoveries either in respect to him or others, it would seem proper; but how to proceed I do not know.

I enclose two letters from New Orleans, which, as they are

not yet answered, I will thank you to return. Although the Attacapas map has no scale, it will assist in correcting ours. Congress has thrown such a mass of business on me by their resolutions for information, that I had not time to wait on you for directions on the Spanish business. I have not seen the bill, but merely know that it has passed both Houses. Is it signed? and may I direct an immediate purchase of one million of dollars in bills on Amsterdam? As soon as I receive your directions on that point, I will act upon it. The other million must be borrowed; but I must see the Act before an opinion can be formed as to the manner of doing it.

With great respect, your obedient servant.

We still want a third land commissioner for the Opelousas or Red River district. Thompson and Vacher are the only two.

JEFFERSON TO GALLATIN.

February 24, 1806.

For exploring the waters of the country ceded by the convention with France of April 30, 1803, and establishing commerce with the Indian nations inhabiting the same, 5000 D.

Th. J. proposes to Mr. Gallatin to insert into his appropriation law the above article, which will enable us to undertake the next season either the Arkansas or upper part of the Mississippi; and that there should be annually a like appropriation until we get all the principal waters laid down from actual survey.

GALLATIN TO MADISON.

March 1, 1806.

DEAR SIR,—I enclose the rough draft of an article for Spain, which, though I have rejected a number of modifications, contains in fact eight distinct modifications or plans, viz.:

1. To pay two millions down, one million twelve months after ratifications, and residue to claimants under convention.

2. Do. do. and do. to Spain, in which case an additional article is provided for paying the claimants in colonial bills.

3. Do. and residue to claimants under convention.

4. Do. and do. to Spain, with provision of colonial bills.

5, 6, 7, 8. To pay two millions after ratification.

The modifications 1 and 2 are on the supposition that Spain may be willing to allow a sum to the claimants less than the whole residue after paying her the two first millions.

I think that if left to myself the proposition to take colonial bills for the spoliations instead of deducting the amount of those spoliations from the purchase-money would be considered as inadmissible. At all events, I hope that it may not be resorted to but as an ultimatum and in case of absolute necessity; and you will perceive that I have omitted altogether the proposition of taking anything short of colonial bills, or, in other words, of paying Spain in full and leaving our merchants to the mercy of a commission and to the chance of being paid by Spain.

As the subject is complex, I will recapitulate some points relative to the Treasury to which the negotiators should particularly attend.

1. Payments in specie must not be stipulated beyond two millions of dollars unless it shall be found necessary to accept for spoliations a sum less than the residue; in which case the difference, say one million, which shall then be payable to Spain, may be stipulated to be paid in specie, but not sooner than twelve months after the exchange of ratifications.

2. The payments in specie must, exclusively of the million for which credit shall be given in Holland to our negotiators, be made in bills of the ministers of the United States at Paris or Madrid, and at different sights, so that the payments shall not at once fall upon us.

3. If the million now provided for in Amsterdam shall not be used immediately, it must not be counted upon for future payments, as we will apply it in a different way before the exchange of ratifications can take place.

4. For any payment in Amsterdam, either of that million or

of interest on stock to be created, the rate of exchange must be fixed, and not to be more unfavorable to the United States than par, or one current guilder of Holland for every forty cents.

5. Any stock to be created must be of the description stated in the article,—that is to say, six per cent.,—and the principal at least payable in America, and not irredeemable for a period longer than four years. It would be better that the interest should be payable also in America, and the principal redeemable absolutely at will.

6. Payments by the United States for spoliations must be provided in three annual instalments.

As the importance of the second point may not be perceived, it is proper to state that a payment in bills drawn on the Treasury prevents both the inconvenience of making provision for payments abroad and the exportation of specie, as in the case of the provision for paying 200,000 sterling to Great Britain. For when bills are given they are negotiated, come to America through the usual commercial channels and as remittances, so as to produce no kind of inconvenience.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 11th March, 1806.

DEAR SIR,—A general expectation seems to prevail that Colonel Smith will be removed from the office of surveyor of the port of New York, and I am asked by almost every one whether it is not already done. Mr. Madison, who seems to coincide in the opinion that he ought to be removed, informed me that you had expressed a doubt whether conviction ought not to precede the removal. I must confess that it seems to me that, as the facts are as fully in the possession of the Executive at this time as they will be after the trial, and as, indeed, such of them as rest on his own evidence cannot be brought against him in a criminal prosecution, it is not necessary, if those facts are considered a just cause of removal, to wait the event of such prosecution. The honor of government and the peace of the country seem to require an explicit mark of disapprobation and disavowal,

and retaining in public service an officer who, by his own declaration, has been guilty of an outrage against the law of nations which endangers the peace of his country, and of a direct violation of a positive statute, will be considered by Spain and France as an evidence of our connivance, and impede the intended negotiations. Nor does it appear to me that Colonel Smith's plea, that he was induced to believe from Miranda's representations that government did not disapprove the expedition, can be adduced even in extenuation of the offence. Not only is it evident that his former connections with Miranda, and hopes of private advantages for his son or for himself, were his motives of action, but he acknowledges that even Miranda had not presumed to hint that government authorized or approved such an expedition, but, on the contrary, told him that he was cautioned not to commit any *illegal* act. Supposing Colonel Smith to have been induced in error by Miranda's misrepresentations, it would be no justification of an illegal act; but when he expressly declares that he was not deceived on that point, and then avows that he enlisted and caused to be enlisted a number of men, does it not amount to a full acknowledgment that he committed the illegal act, knowing at the same time that government disapproved the same?

To this may be added that, abusing the confidence which attached to his official character, he persuaded Fink to enlist men as for the service of the United States, and that as one of the officers of the customs it was his duty to report to the collector every circumstance respecting the armament and cargo within his knowledge. Indeed, it does not appear possible that the private lading of cannon and military stores, and the other illegal parts of the armament, could have been effected without his connivance and assistance. They would, otherwise, have come to the knowledge of the collector; and the fitting out of the expedition, and preserving the secret till after the vessel's departure, may fairly be ascribed by Spain to the agency of our own officer. Why, with the fullest proof of these facts, have you continued the guilty officer in service? will be a natural question for her to ask. I may add that Colonel Smith is a bad officer; that he does not attend to the duties of his office; that he has presented falla-

cious statements of his emoluments, with intention of keeping a portion which by law ought to be paid in the Treasury, and that he has not even paid what he acknowledged to be due. I know that the delicacy of removing, under all circumstances, a near connection of the late President of the United States made you anxious to overlook every inferior breach of duty in that officer; and those are now mentioned only to show that he is not entitled from his general official conduct to any special indulgence. Excuse the length of this letter; I only intended to suggest the subject to you; but my knowledge of the general opinion, and my own conviction of the necessity of the measure, have drawn me into a longer discussion than was necessary.

I had intended to call on you to-day on that and some other subjects, but was so unwell that I could not leave home.

With great respect and attachment, your obedient servant.

GALLATIN TO G. CLINTON, JR., M.C.

WASHINGTON, April 5, 1806.

DEAR SIR,—Some expressions which fell on the floor of Congress have given rise to an inquiry into a conversation between you and one of your colleagues and myself. It has been reported that I had in that conversation stated that previous to the meeting of Congress, or previous to an appropriation being made, it was proposed by the Executive or by the Secretary of State to draw from the Treasury and remit to Europe the two millions of dollars intended for a partial payment of Florida. I do not recollect any conversation with you on the subject which may have given rise to the report, nor do I know the name of your colleague alluded to. But as I have had free conversation with you on our public affairs, and did, I believe, explain what had been and were the precise views of the Executive in relation to Spanish negotiations and the intended purchase of Florida, it is very probable that I did state the facts which, as I presume, have been misunderstood by your colleague and given rise to the report. I am certain, however, that I did not state the facts

otherwise than as they really were, and that I never said that an application or attempt was made to draw from the Treasury and remit the money without an appropriation, because no such application or proposition was ever made or suggested, either by the Secretary of State or by any other person.

The facts were briefly as followeth. Some time before the meeting of Congress it was proposed, as time was precious, to give immediate instructions to Mr. Armstrong to treat, and it was at the same time suggested that a payment in hand, without waiting for a ratification of the treaty, and made on receiving an order for the delivery of the country, would promote the object, and might be promised by Mr. Armstrong, inasmuch as an appropriation would be obtained from Congress within a short time, so as to be able to remit the money before powers could be obtained from Spain to treat at Paris, and before the negotiations could be terminated. To this it was objected by myself that although the assent of Congress was probable it was not certain, that it might consume more time to obtain it than was expected, and that it would be safer to wait for it than to run the risk of pledging government for a payment which it might not be in their power to make. Some general observations were added tending to show that it was at all events more eligible to ascertain the sense of Congress before the subject was attempted in Europe, as, on the one hand, if that body appeared disposed in favor of the measure, a previous sanction might be obtained which would secure the ratification of the treaty, and if they did not like the plan another course might be pursued. The President after consideration concluded to suspend the instructions and to lay the subject before Congress, which was accordingly done.

Such are the facts, which I do not remember to have mentioned to you in whole or in part, but which I may certainly have stated, because they are true, and did not appear to me, the whole subject being confidentially before Congress, to require any concealment. If they made a different impression on the hearers, I repeat that it must have been a misapprehension.

Will you have the goodness to let me know what was your impression of that conversation, and whether it agrees with the

above statement? but be pleased to consider this letter, and particularly the statement of facts, as perfectly confidential.

I remain with great regard and respect, dear sir, your obedient servant.

P.S.—I have not heard that you had ever repeated any part of the conversation, or by any expressions of yours given rise to the report, but have only been mentioned as being present.

GEORGE CLINTON, JR. TO GALLATIN.

NEW YORK, April 10, 1806.

DEAR SIR,—I received your letter yesterday, and, after endeavoring to recollect any conversation which may have taken place between us during the pendency of the secret business of Congress, I do myself the honor to communicate the impression produced on my mind. This impression may be erroneous, and if it varies from the real facts, must be admitted to be so. I think one of my colleagues was present. I had doubts of the propriety of voting for the bill appropriating two millions for the purchase of Florida, and wished to know what prospect of success government had from the negotiation. You, with that frankness which I have always experienced from you, said that Mr. Armstrong had sanguine hopes, and that government were induced to think that an immediate appropriation of money would have a happy effect; but as that could not be procured previous to the meeting of Congress, it might be advisable that our minister at Paris should be instructed to pledge the faith of the government for the sum of two millions, as no doubt could be entertained that Congress would sanction the measure. That instructions of this kind were directed to be made out for Mr. Armstrong, and that Mr. Madison wished you to prepare bills for the money; but that on further consideration the government concluded that it would not be prudent to hazard the measure, but to wait for the meeting of Congress. This, sir, is the impression which the conversation made on my mind. Part of it

may be erroneous. If so, it would give me the greatest pleasure to have it corrected. I entirely exonerate you from any design in the communication to impeach any member of the Administration, but am confident that your sole object was to throw light on the subject then before Congress and to promote the views of the government.

I am sorry that my name should have been used on the occasion, and, whoever of my colleagues has done so, it has been entirely unauthorized by me.

[Endorsement by Mr. Gallatin.]

There is an error in this. Mr. Clinton has confounded with respect to time two distinct facts. The proposed instructions to Mr. Armstrong were under consideration and abandoned prior to the meeting of Congress. Mr. Madison's request to give orders to purchase bills was made when it had been ascertained that an Act of Congress would pass within less than a week authorizing the expense, and the very day on which Mr. Clinton called on me on the subject. The fact was mentioned in answer to the inquiry whether government were really anxious for the appropriation, and as an evidence of their earnestness at that very moment. Mr. Masters was the member present. It is the only conversation I had with either on the subject.

GALLATIN TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT, 15th April, 1806.

SIR,—In answer to the request contained in the resolution of the House of Representatives of the 8th inst., I have the honor respectfully to state that "no application has been made to draw money from the Treasury for the purchase of the Floridas before an appropriation made by law for that purpose."

The circumstances which may have produced an impression that such an application had been made, being unconnected with any matter pertaining to the duties of the office of Secretary of

the Treasury, are not presumed to come within the scope of the information received from this Department by the House.

I have the honor to be, &c.

GALLATIN TO JEFFERSON.

WASHINGTON, 19th May, 1806.

DEAR SIR,—I have been detained till this day by business connected with the Acts of last session, which could not be delayed till after my return. This compels us to postpone our intended visit to Monticello, as I have hardly time, before the 13th June, when I must necessarily be here, to go home and transact some indispensable business, not having been there these three years. Mrs. Gallatin and myself equally regret the disappointment, and she requests to be affectionately remembered to Mrs. Randolph.

Not a single occurrence has taken place connected with the Treasury Department which is worth communicating.

Supposing the purchase of Florida not to be attainable, could not our ministers be provisionally instructed to agree to some kind of convention on the basis of statu quo without affecting the claims of the parties, of the reciprocal freedom of navigation of the Mobile and of the Mississippi to Baton Rouge, and of a ratification of the convention?

With respectful attachment, your obedient servant.

JEFFERSON TO GALLATIN.

June 15, 1806.

Th. J. to Mr. Gallatin.

On the 27th of April I wrote to Governor Claiborne in these words: "Congress has permitted lots to be taken for M. de la Fayette as low as 500 acres. This secures to us the parcel on the canal of Carondelet; but at the same time cuts off those

smaller locations proposed by M. Duplantier. Indeed, it would not be for the interest of the General to let his claim get into collision with any public interest. Were it to lose its popularity it might excite an opposition neither agreeable to his feelings or interests." This may already have produced some effect towards abating the expectations of M. Duplantier and the fears of the city. Still, I think it better that Mr. Madison should write explicitly to him. Indeed, I think we had better have a consultation, and determine on the proper limits of the public reservation. For, however justifiably desirous we may be to relieve a man who stands so high in the public affection as La Fayette, still, it should be only by granting to him such lands as would be granted to others if not located by him. The idea of consolidating by getting Suarez's land was to satisfy the limit of 1000 acres then imposed on him, while others would have been free to have taken these smaller parcels. That idea may now be waived.

With respect to Colonel Newton's inquiries what measures are to be taken with armed vessels coming into that harbor, I think he may be told to go on as we have done until further orders. These ought not to be given till we have gunboats there to enforce them. Then I shall be for an exact police over these vessels. Should we not by special letters keep the collectors on the alert as to the three proscribed vessels and commanders? It is very desirable to get hold of Whitby. Affectionate salutations.

JEFFERSON TO GALLATIN.

June 19, 1806.

Th. J. to Mr. Gallatin.

I have had a consultation with Mr. Madison on the application of the British vessel of war for *stores*. We are both of opinion that if by this term be meant *sea-stores* only, or even *munitions de bouche*, or provisions generally, there can be no objection to their taking them, or indeed anything except *contraband of war*. But what should be deemed contraband of war

in this case we are not agreed. He thinks that as the English deem *naval stores* to be contraband, and as such take them from our vessels at sea, we ought to retaliate their own definition on them. I think we ought to act on the opinion that they are not contraband; because by treaties between all the nations (I think) having treaties with one another they are agreed not to be contraband; even England herself, with every nation but ours, makes them non-contraband, and the only treaty making them contraband (Jay's) is now expired. We ought then at once to rally with all the other nations on the ground that they are non-contraband; and if England treats them as contraband in our ships, instead of admitting it by retaliation, let us contest it on its true ground. Mr. M. thinks France might complain of this; but I think not, as we shall permit both nations equally to take naval stores; or at least such articles of them as may be used for peaceable as well as warlike purposes; this being the true line. This therefore becomes a question on which it will be advisable for us soon to come to a fixed determination. In the mean time, it will be better to leave the construction of the term to Mr. Gelston, by not defining the term to him, because any error of his will be easily got over. Affectionate salutations.

JEFFERSON TO GALLATIN.

June 26, 1806.

Th. J. to Mr. Gallatin.

The Attorney-General being absent, we must decide for ourselves the question raised by Colonel Newton's letter, whether Mr. Cooper can own a registered vessel? or, in other words, whether he is a citizen of the United States?

I hold the right of expatriation to be inherent in every man by the laws of nature, and incapable of being rightfully taken from him even by the united will of every other person in the nation. If the laws have provided no particular mode by which the right of expatriation may be exercised, the individual may do it by any effectual and unequivocal act or declaration. The laws of Virginia have provided a mode; Mr. Cooper is said to

have exercised his right solemnly and exactly according to that mode, and to have departed from the Commonwealth; whereupon the law declares that "he shall thenceforth be deemed no citizen." Returning afterwards he returns an alien, and must proceed to make himself a citizen if he desires it, as every other alien does. At present he can hold no lands, receive nor transmit any inheritance, nor enjoy any other right peculiar to a citizen.

The general government has nothing to do with this question. Congress may by the Constitution "establish an uniform rule of naturalization," that is, by what rule an alien may become a citizen. But they cannot take from a citizen his natural right of divesting himself of the character of a citizen by expatriation.

GALLATIN TO NATHAN SANDFORD, DISTRICT ATTORNEY, N. Y.

Private.

WASHINGTON, 9th July, 1806.

DEAR SIR,—I have not been summoned as a witness in the prosecution against W. S. Smith and Ogden; it is probable that this was owing to my temporary absence when the gentleman who brought the subpœnas was here, as the three other Secretaries have been duly summoned. Momentary considerations and particularly applicable to the case in question might have induced a compliance with the summons, but, exclusively of the reasons arising from the situation of our public affairs which would render the absence of those three gentlemen prejudicial to the public interest at this juncture, the precedent was on general grounds considered as dangerous. Not that any exception or privilege be claimed for the heads of Departments, but because the principle once admitted that they must, on a subpœna which issues as a matter of course, attend in any part of the United States, every person charged with a criminal offence would have it in his power to vex if not to arrest the whole Administration, or to put off his trial to an indefinite period.

Under those impressions a letter has been addressed to court, of which I enclose a duplicate and a press copy. The duplicate

you are requested to deliver sealed, only in case the original should not have reached the court. The copy is for your private information, and it is desirable that it should be published as if the copy had been obtained in court. I wish that in that case a note may be added stating that a subpœna had issued for the Secretary of the Treasury (supposing that to be the fact), but that owing to his absence it was not served.

The course which the court may pursue is uncertain; it appears impossible that they should issue attachments; they may either rule the parties to immediate trial or postpone it till their next sitting, and in the last case either let new subpœnas come out, or, with the assent of the parties, order that the evidence of the heads of Departments be taken by commission, as suggested in the letter.

It appears consistent with the soundest principles of law that no further postponement should take place, unless the parties shall state in an affidavit not merely that a certain material witness is absent, but the identical facts which they expect to prove by such witness or witnesses. As no doubt can exist that, supposing the facts heretofore alleged to be true, they cannot be pled in justification, but would only, if at all operative, tend to mitigate the punishment, it follows that if that course be pursued, the court will, on seeing the affidavit, order them to immediate trial, on the ground that the evidence they want is irrelevant. In urging that point, it cannot, amongst other topics, have escaped you that the letters said to have been written by Miranda to the President and to Mr. Madison cannot in any point of view operate in favor of Smith and Ogden, since they were avowedly written subsequent to the acts for which they are now prosecuted.

But should the court be willing to grant the parties a further delay, every effort must be used to obtain a commission for the purpose of taking the evidence of the heads of Departments, and perhaps of other distant witnesses. And if the parties shall refuse to assent to that course, their refusal may, jointly with the irrelevancy of the testimony, be urged in favor of their being brought to immediate trial. If a commission is issued, particular care will be necessary in framing the interrogatories;

and it would be well previously to agree with the opposite counsel that in case of disagreement between you and him respecting the propriety of any of them, the court should decide.

The sooner such commission issues the more convenient it will be for the gentlemen who had been summoned. It is probable that the public duties of the Secretary of State will permit him to go to his farm in Virginia about the 25th instant, and it would be inconvenient for him to return here for the purpose of being examined. General Dearborn, who is just recovering from a dangerous illness, and who, on that account, would have at all events been unable to travel to New York this week, may wish, as soon as he is able, to go to the country for the sake of his health. As to myself, I have not yet determined where I will spend the latter end of this month and the month of August. I have arranged the Treasury business so as to be able to be absent from the 15th instant to the 1st of September, and the sickness of one of my children will induce me to leave this city as soon as I can. It is not therefore probable that a commission will find me here; but one may be appointed in New York, where it is possible, though not certain, that I may be in August. If commissioners be appointed in both places, I will engage to attend either one or the other commission. My evidence must, however, even in the view of Messrs. Smith and Ogden, be altogether irrelevant. I never saw Miranda or had any direct or indirect communications with him. Of others I know nothing but by hearsay, and that of no importance nor connected at all with the prosecutions.

JEFFERSON TO GALLATIN.

July 14, 1806.

Th. J. to Mr. Gallatin.

A law of the last session provided for making a road from Nashville to Natchez, and another from Cincinnati, by Vincennes, to St. Louis. Not having a copy of the laws yet, I do not know whether it is necessary for me to take any steps on this subject at present, or what it waits for. Can you inform me?

The road from Cumberland to Ohio will be an important

link in the line to St. Louis. There will still be wanting a supplement from Ohio (suppose Marietta) by Chillicothe to Cincinnati, or do such roads exist already? This line being completed, we must have a horse-post which will effect it in six days, say from Washington to St. Louis. They are distant not quite 13° of longitude of 46¾ miles each, say 600 miles; and a mail ought to go every day as much over 100 miles as the necessary deviations from a straight line amount to.

GALLATIN TO JEFFERSON.

NEW YORK, 7th August, 1806.

DEAR SIR,—I arrived here last Sunday, and, finding both the Vice-President and De Witt Clinton out of town, was obliged to rely principally on Mr. Sandford for the appointment of marshal. A man perfectly competent and in every respect proper, Mr. Montagnie, was first selected, but refused the appointment. Peter Curtenius appeared, amongst those who were proposed, the next best, and has accordingly received the commission. He is a man of integrity, independent, and has for the three or four last years been a member of the State Legislature; which last test of public confidence seemed the best testimony on which to rely. I never saw the man, but from information understand that he has a sound judgment and much firmness, but no brilliancy of talents. I regretted less the absence of the Vice-President on hearing that he would have recommended young Lamb, who lives out of the city, has never been in public life, and had no claim but the Revolutionary services of his father, the former delinquent collector of this port.

I enclose a letter from the district attorney on the subject of the trials, which was returned from Washington.[1] So far as I can judge, no unfavorable impression has been made on the Republicans of this city either on account of the non-attendance of the heads of Departments, or of the assertions of the Federalists

[1] The trials of Smith and Ogden for abetting the expedition of Miranda.

respecting the supposed knowledge and approbation of the expedition by the Executive.

It seems to me, on the contrary, that the verdict of acquittal, being so glaringly contrary to law and evidence, begins to recoil against the party who promoted that event.

A recommendation for the appointment of a master of revenue cutter at Savannah is enclosed.

With respectful attachment, your obedient servant.

JEFFERSON TO GALLATIN.

MONTICELLO, August 15, 1806.

Th. Jefferson to Mr. Gallatin.

Yours of the 7th was received yesterday; and I have this day enclosed Mr. Sandford's letter to Mr. Madison for perusal and to be forwarded by him to you. The skill and spirit with which Mr. Sandford and Mr. Edwards conducted the prosecution give perfect satisfaction, nor am I dissatisfied with the result. I had no wish to see Smith imprisoned; he has been a man of integrity and honor, led astray by distress. Ogden was too small an insect to excite any feelings. Palpable cause for removal of the marshal has been furnished, for which good though less evident cause existed before, and we have shown our tenderness towards judicial proceedings in delaying his removal till these were ended. We have done our duty, and I have no fear the world will, do us justice. All is well therefore.

I approve of the appointment of Thos. Fowler to command the cutter at Savannah, and wish you to direct the commission accordingly. There was a recommendation of a Mr. Newell under favorable circumstances; but that of Fowler is more weighty. Mr. R. S. has had a commission given to Eli Williams as commissioner of the Western road. I am sorry he has gone out of Baltimore for the appointment, and also out of the ranks of Republicanism. It will furnish new matter for clamor. I set out to my possessions in Bedford in a day or two, and shall be absent ten days. This may explain delays in answering your

communications, should any occur. The effects of drought are beyond anything known here since 1755. There will not be 10,000 hogsheads of tobacco made in the State. If it should rain plentifully within a week, the corn in rich lands may form nubbings; all the old field corn is past recovery, and will not yield a single ear. This constitutes the bulk of our crop; there will be no fodder. The potatoes are generally dead. Emigration will be great this fall from necessity. Affectionate salutations.

JEFFERSON TO GALLATIN.

MONTICELLO, August 16, 1806.

DEAR SIR,—I have made it a rule to grant no pardon in any criminal case but on the recommendation of the judges who sat on the trial, and the district attorney, or two of them. I believe it a sound rule, and not to be departed from but in extraordinary cases. This occasions me to trouble you with the enclosed petition. It is probable the party petitioning, or his friends, on being informed of the rule, will take the petition and present it for the necessary signatures; I ask the favor of you accordingly to put it into their hands with the necessary information. I salute you with affection and respect.

JEFFERSON TO GALLATIN.

MONTICELLO, August 28, 1806.

DEAR SIR,—I returned hither the day before yesterday, and found your two letters of the 15th. I am much pleased with the expectation of Mr. Thompson's continuance in office in the Orleans land office. The appointment of Robert Sargent as second mate to the revenue cutter of Delaware is approved. On the subject of the negotiation for the Floridas, not one word further than is known to you has been received. You shall immediately know when anything is received. As to the propo-

sition for employing the Hornet to transport money for certain merchants from a belligerent port to the United States, Mr. Miller seems to have viewed one side of the question only. The other would not withstand a moment's reflection. Every neutral vessel, armed or unarmed, transporting merchandise of money or other goods, is rightfully liable to search by the ships of war of a belligerent. Private vessels, even armed, are accordingly searched. The public armed ships are not, because no nation uses them but for the protection of private commerce, not for carrying it on. The honor of the nation is relied on that they are not so employed; and the nation who would lend them to such purposes must give up their exemption from search. Should a British frigate, having intimation of the Hornet's cargo, demand and make a search, he would find on board the proofs that our public ships abuse their privilege and of course must be denied it. The license to four British vessels to sail to Lima proves that belligerents may, either by compact or force, conduct themselves towards one another as they please; but not that a neutral may, unless by express permission of the belligerent. If the money said to have been brought from Jamaica by Murray & Mullony was private property, the act was wrong and ought not to be repeated. There are other insuperable reasons in this case, but this one is sufficient. I must take a little more time to consider and answer as to the Western roads and Louisiana instructions. Affectionate salutations.

JEFFERSON TO GALLATIN.

MONTICELLO, August 31, 1806.

DEAR SIR,—I now return you the papers respecting the Louisiana Board of Commissioners, with only the alteration of omitting the words in the Xth instruction, about which you had doubted yourself. At the same time it is without confidence I give any opinion on this subject, having always considered your knowledge on it so exact as to supersede the necessity of my studying it minutely. If any opinion in aid of yours be neces-

sary, I am sorry we could not call in that of the Attorney-General, who is acquainted with the subject.

I return also the papers on the Western roads. I have not here a complete copy of the laws of the last session, and particularly no copy of that respecting the road from the Mississippi to the Ohio. If I recollect it rightly, it authorized us to open but one road. If so, the branchings proposed by Mr. Badollet may be beyond our powers. At any rate, they should be secondary, and not attempted till we know there will be money left after accomplishing the principal one. I submit to you, therefore, whether we should not suspend all measures respecting the branching roads. With respect to the great and important road which is the principal object:—1. Why should not the guide-line from St. Louis to Vincennes be direct, instead of bending to B?

2. I like your idea of straightening the guide-line from Vincennes, although it may pass through a corner of the Indian lands. But if necessary to cross the river at A on account of the ford, should not the guide-line go thence direct to Cincinnati, as I have pencilled it, or to Dayton, if that be the shortest way to Chillicothe? and even in that case the fork to Cincinnati might be transferred to C.

3. But the post-office map (the only one I have here) must be egregiously wrong if Dayton is not much out of the direct road from Vincennes to Chillicothe. According to that, Cincinnati is in the direct line. But perhaps the deviation by Dayton is from economy, and to spare our fund the expense of opening the road from Cincinnati to Chillicothe and Marietta. But I doubt whether for a temporary reason we ought to do a permanent injury, especially as we may with certainty expect that Congress will enlarge the appropriation.

As to the branches of the roads, if it be lawful and advisable to extend our operations to them, I presume that to Louisville C. H. will be the most important. But should the fund hold out, that to Kaskaskia may be taken in ultimately. I think Mr. Badollet is right in proposing that the road shall not be opened more than a rod wide. Accept affectionate salutations, and assurances of constant esteem and respect.

GALLATIN TO JEFFERSON.

WASHINGTON, 13th October, 1806.

DEAR SIR,—In minds solely employed in honest efforts to promote the welfare of a free people there is but little room left for the operation of those passions which engender doubts and jealousies. That you entertained none against me I had the most perfect conviction before I received your note of yesterday.[1] Of your candor and indulgence I have experienced repeated proofs; the freedom with which my opinions have been delivered has been always acceptable and approved, even when they may have happened not precisely to coincide with your own view of the subject and you have thought them erroneous. But I am not the less sensible of your kindness in repeating at this juncture the expression of your confidence.

If amongst the authors of the animadversions to which you allude there be any who believe that in my long and confidential intercourse with Republican members of Congress, that particularly in my free communications of facts and opinions to Mr. Randolph, I have gone beyond what prudence might have suggested, the occasion necessarily required, or my official situation strictly permitted, those who are impressed with such belief must be allowed to reprove the indiscretion, and may perhaps honestly suspect its motive. For those having charged me with any equivocation, evasion, or the least deviation from truth in any shape whatever, I cannot even frame an apology. And, without cherishing resentment, I have not the charity to ascribe to purity of intention the Philadelphia attacks, which indeed I expect to see renewed with additional virulence and a total disregard for truth. I am, however, but a secondary object, and you are not less aware than myself that the next Presidential election lurks at the bottom of those writings and of the Congressional dissensions.

Much more, however, do I lament the injury which the Republican cause may receive from the divisions amongst its friends in so many different quarters. Sacrificing the public good and

[1] See Jefferson's Writings, v. 23.

their avowed principles to personal views, to pride and resentment, they afford abundant matter of triumph to our opponents; they discredit at all events, and may ultimately ruin, the cause itself. But if we are unable to control the conflicting passions and jarring interests which surround us, they will not at least affect our conduct. The Administration has no path to pursue but to continue their unremitted attention to the high duties entrusted to their care, and to persevere in their efforts to preserve peace abroad, and at home to improve and invigorate our republican institutions. The most important object at present is to arrange on equitable terms our differences with Spain. That point once accomplished, your task shall have been satisfactorily completed, and those you have associated in your labors will be amply rewarded by sharing in the success of your Administration. From no other source can any of them expect to derive any degree of reputation.

With sincere respect and grateful attachment, &c., &c.

[Another draft, subsequently erased.]

And although I expect a continuation of still more malicious attacks, you are well aware that I am but a secondary object, and that the next Presidential election is the true source of every contention not purely local. To you my wish may be expressed that whenever you shall be permitted to withdraw, the choice may fall on Mr. Madison as the most worthy and the most capable. But I know that on that point, as well as on all others which relate to elections, no executive officer ought to interfere. Surrounded but unmoved by conflicting passions and jarring interests, the Administration can only, &c.

GALLATIN TO JEFFERSON.

DEPARTMENT OF THE TREASURY, November 12, 1806.

DEAR SIR,—I stated in a memorandum sent during last year that a continuation of the Mediterranean fund for three years, including the current year, without repealing the salt tax, would

enable us to pay the sum contemplated for Florida, without affecting the operations relative to the debt; and that at the end of that period, viz., 1st January, 1809 (at which time the 8 per cent. foreign debt, and all other species of redeemable debt, shall have been paid off), we might do without either the salt or Mediterranean.

The question as you now propose it would be to give up the salt duty immediately, keeping the Mediterranean for two years longer. That will make a difference against the revenue of less than one million for the two years. I think that the revenue of this year has exceeded, or will exceed, the estimates by a sum nearly equal. Of that I will be more certain within a fortnight, but not sooner. If it shall prove so, there will be no objection to the proposal but the unsettled state of affairs with Spain. For if the message recommends an increase of the military establishment, of gunboats for the defence of New Orleans, or of any temporary expenses for mounted militia, &c., this must be taken into consideration, in order to avoid the danger of inconsistency, and the greater one of weakening ourselves if we think there is any apprehension of war.

I would wish to know what is the amount of expenses contemplated for all objects in addition to the usual establishments. By comparing it with our accounts of revenue, I will be able to prepare a correct statement for your consideration.

Respectfully, your obedient servant.

JEFFERSON TO GALLATIN.

November 14, 1806.

Th. J. to Mr. Gallatin.

1. As to the 500 cavalry. If we have peace with Spain, we shall not want them; if war, all our plans must be new moulded. It is, therefore, only *during the present unsettled state.* This cannot exceed six months from October 1, about which time they probably went into service. This will cost 100,000 D. The proposing to Congress to establish them during the present un-

settled state of things is merely to show Spain that we seriously mean to take justice if she will not do it. The men are in service under a previous law. This is the only extra expense I contemplate to meet the present state. Mr. Smith proposes to ask only the ordinary annual appropriation.

2. As to the salt tax. If that and the Mediterranean fund, continued to the end of 1808, will pay the Florida purchase, suppose the act of commutation lets the salt tax run to the end of 1807,—will not its amount for 1808 be made up by the increase of impost and land sales beyond calculation, and the sweepings of the Treasury? or if they still leave a deficit, would not the perpetuity of the Mediterranean fund enable us to anticipate enough for the deficit?

3. The university. This proposition will pass the States in all the winter of 1807–8, and Congress will not meet, and consequently cannot act on it, till the winter of 1808–9. The Florida debt will therefore be paid off before the university can call for anything.

The only difficulty in the whole, then, seems to be the amount of the salt tax for 1808, which I am in hopes will not be insuperable.

GALLATIN TO JEFFERSON.

SKETCH OF FINANCIAL PARAGRAPH OF 1806.

The receipts into the Treasury during the year ending on the 30th day of September last have amounted to near fifteen millions of dollars ($14{,}958{,}300\frac{53}{100}$), which has enabled us, after meeting the current demands, including near four millions of interest on the public debt and 2,700,000 dollars of the American claims assumed by the Louisiana treaty, to discharge upwards of three millions of the principal of the public debt. These payments, together with the reimbursement of the five and half per cent. stock already provided for, and with those payments which had been made in four years and a half preceding, will have extinguished more than *twenty-three* millions of the principal of the public debt.

Receipts.

Balance in Treasury, 1st October, 1805,		$4,558,664.02
Receipt in the year ending 30th September, 1806:		
Customs,	$14,212,892.10	
Lands,	595,558.68	14,958,300.53
Arrears, postage, incidental,	149,849.75	
		$19,516,964.55

Expenditures same year:

Civil list, miscellaneous, foreign intercourse,		$1,517,755.56
Military and Indian Departments,		1,038,599.48
Naval Department,		1,767,500.00
Claims under Louisiana convention (extras),		2,700,098.52
Public debt, for. and dom., interest,	$3,764,866.34	
*principal,**	3,248,674.88	7,013,541.22
		$14,037,494.78
Balance in Treasury 1st October, 1806,		5,479,469.77
		$19,516,964.55

* But observe that one million of this sum may by our ministers be applied to the purchase of Florida, in which case an equal sum must be replaced in Holland by the Treasury, and there shall have been so much less paid last year on account of the principal of the public debt than is here stated. In our accounts the payments will appear as here stated, and the deduction of one million in the accounts of next year. This circumstance will be explained in the report of the Secretary, but cannot be satisfactorily stated in a concise paragraph of the message. And we must in that message either take credit for the whole three millions and upwards (as proposed) on account of the principal of the debt, or take credit only for upwards of two millions, and say that we have paid or remitted one million on account of the Florida purchase. The total payments for principal and interest of the debt are upwards of seven millions, from which deducting the one million leaves six millions, which, together with 1,847,500 dollars five and half stock to be paid

in December and a small remittance to Holland (both of which are exclusive of the payments properly belonging to the last quarter of 1806), will make up the annual appropriation of eight millions. The payments will be, as directed by law, of eight millions for each calendar year; but a greater portion than usual falls on the last quarter of the year 1806, which makes the year ending on 30th September, 1806, pay less than the 8 millions. It is proposed to say in the message that the reimbursement of five and half per cent. stock is already provided for, which is true, since we have five millions and half in the Treasury. But, if thought more correct, the words between crotchets, which relate to that reimbursement, may be omitted, and the words twenty-one millions substituted to twenty-three. In that case it might be proper to add to the proposed paragraph in substance as followeth: "A further sum of near two million dollars will be paid before the close of this year by the Treasury in reimbursement of the principal of the five and half per cent. stock. And it is hoped from the present flattering appearance of the revenue that we will be [able], without infringing on the annual appropriation of 8 millions of dollars for the public debt, to defray, without recurring to any loan, the expenses contemplated by the act, &c. (making provision for the Florida purchase.)"

Which will lead naturally to the paragraph proposing the repeal of the salt tax.

DEAR SIR,—I enclose sketches from which to make the financial paragraph. You will perceive that there is some difficulty arising, 1st, from the contingent remittance of one million, by the Hornet, which, according to circumstances, may be applied either to the purchase of Florida or to the Dutch debt due in 1807; 2d, from the reimbursement of 5½ per cent. stock which we could not advertise for a shorter period than 1st January next, and which will be paid only next month, instead of having been paid prior to 30th September last. I am afraid that the words *already provided for*, as applied to that reimbursement, may be cavilled at, and had rather speak of it altogether as in prospect, as proposed in the last sketch. I will thank you,

however, to let me see the paragraph you propose before it is finally adopted. The corresponding paragraph of last year's message is enclosed for comparison.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

REMARKS ON PRESIDENT'S MESSAGE.

[16th November, 1806.]

Foreign relations—"could leave no imputation on either our moderation or forbearance." The plan to terminate the Spanish differences by the purchase of Florida will, if successful, prove highly advantageous to the United States, but is ill relished by Spain, and in case of failure will not *alone* afford proofs of moderation or forbearance. These must be found in the contingent instructions given to our ministers in case they should fail in the principal object. What have these been? and do they fully justify the assertion? I have not seen them, and mention this merely for consideration. [Note by T. J.—The ultimatum of your instructions is, 1st, satisfaction for spoliations; and, 2d, silence as to limits, leaving each party to pursue its own course as to these.]

England.—"Whether this (*issue*) will be such as, &c., must depend on that issue." There is some inaccuracy in the construction of that sentence, the meaning of which is that the necessity of the repeal or reinforcement, &c., depends on the issue of the negotiations.

Spain—"has consented to meet us, &c." Is the fact positively asserted by Mr. Armstrong? Mr. Erving in his last letter denies it.

Second page—"and to permit no new settlement or post to be taken within it." The last instructions permit, as an ultimatum and under certain circumstances, the maintenance of the increased force at Bayou Pierre. But the whole of this paragraph will probably require some modification if the intelligence of an arrangement between Wilkinson and Herrera proves true.

Army.—Might not the words "in other respects our," or some to that effect, be substituted to "our regular"? For it seems to me that the continuance of a corps of cavalry *by voluntary enlistment* and for the term stated in the preceding paragraph is to all intents an increase of regular force as contradistinguished from militia or volunteers.

New Orleans.—I would omit the words "perhaps the present fort of Plaquemine;" 1st, in order to avoid unnecessary commitment of opinion; 2d, because Plaquemine is not, I believe, below all the firm lands. Observe also that the approaches by Lake Pontchartrain must be defended, as well as those by the Mississippi.

Third page—Fortifications.—Substitute *a* to *some*, as this last expression may be construed into an evidence of disregard for that mode of defence. And considering the lively interest felt in a certain quarter on that question, and the use made of it, is it necessary to speak of that object in terms as decisive as those used at the end of page 7? Might not these be omitted or modified?

Fourth page—Insurrection.—If the information received is not sufficiently decisive to affix criminality to certain individuals, the word "are" at the end of fourth line may be omitted; but if the proofs received, without being legal evidence, are sufficient to impress a conviction that the object was of an internal nature, the word should remain.

"Where an enterprise is *modified*, &c." The following paragraph shows that there are cases in which the powers of prevention given by the laws are not sufficient against enterprises modified against foreign nations. On that account, and because it appears important, considering Miranda's expedition, not to impress too forcibly the opinion that those powers are really sufficient, I would suggest not only to substitute another word to "meditated," but to place the defect of the existing laws in that respect in a more prominent point of view than is done by the following paragraph. This may perhaps be effected by making that subject a distinct head instead of mentioning it incidentally, and by indicating it in more general terms. For pointing out a single particular defect seems to diminish its importance. *Quere*, whether some more direct allusion to Miranda's expedition would not be politic and practicable?

Indians—"we have nothing to fear from that quarter." The assurance seems too positive, as danger may arise from causes not under our control, such as the intrigues of Spanish agents to the South and of British traders on the Northwest.

Fifth and sixth pages—Red River, Mississippi.—The details seem comparatively too long, both in relation to the other parts of the message generally and to the Missouri expedition. But I would at all events avoid a commitment respecting the northern boundary of either Louisiana or the United States. The boundary fixed by the Treaty of Utrecht might be, and probably was, intended for Canada rather than for Louisiana; and Crozat's charter expressly limits the last province to the 45th degree of latitude.

As to the United States, we have conceded that a parallel westwardly from the Lake of the Woods was not our necessary boundary, and have agreed heretofore to a straight line from that lake to the source of the Mississippi.

Seventh page—Salt tax.—This has never amounted to 600,000 dollars, and averages about 550,000. The Mediterranean fund at present, and whilst the European war continues, is worth almost a million. The words "not materially different in amount" are not, therefore, correct. Observe also that $\frac{2}{6}$ of the salt tax—8 cents per bushel—expire on 3d March, 1811. We may dispense with the whole of it from the present time, or say from 1st July next, provided the Mediterranean fund be continued only for two years longer, or till 1st January, 1809. If circumstances should then render a further continuation necessary, it may then be again extended. I would, on the whole, propose to suppress the words "not materially different in amount," and that the next line should read, "by continuing for a limited time the Mediterranean fund."

University—"they cannot then be applied to the extinguishment, &c."

I would wish that between the words *then* and *be* the following should be inserted: "without a modification assented to by the public creditors;" or that the idea should be inserted in some other way in the paragraph. It will be consistent with the opinion expressed that the extinguishment, &c., and libera-

tion, &c., are *the most desirable of all objects*, and Congress have now under consideration a plan for the purpose which I submitted last session, and was postponed because reported too late by the Committee of Ways and Means.

On Fortifications, &c.—This is the paragraph which I think might, without injury to the sense, be omitted.

Eighth page—"to be partitioned among the States in a federal and just ratio." Would it not be best to omit these words, as neither improvements nor education can ever in practice be exactly partitioned in that manner? and the suggestion might embarrass or defeat the amendment when before the House.

"*The surpluses indeed which will arise*, &c."—It may be observed on whatever relates to the connection between those surpluses and the proposed improvements and university, 1st, that, war excepted, the surpluses will certainly and under any circumstances—even while the debt will be in a course of payment—be, after 1st January, 1809, sufficient for any possible improvement. I have no doubt that they will amount to at least two millions a year, and, if no modification in the debt takes place, to nearly five. 2d, that it will take at least the two intervening years to obtain an amendment, pass the laws designating improvements, and make the arrangements preparatory to any large expense. 3d, that the existing surpluses are at this moment sufficient for any university or national institute.

But the whole of this part of the message rests on the supposition that a longer time must elapse before we are ready for any considerable expenditure for improvements, and that we would not be able to meet even that for the university before the time which must elapse in obtaining an amendment.

The general scope of this part of the message seems also to give a preference to the university over general improvements; and it must not be forgotten, apart from any consideration of their relative importance, that the last proposition may probably be popular, and that the other, for university, will certainly be unpopular. I think, indeed, that the only chance of its adoption arises from the ease with which funds in public lands may be granted.

It appears to me, therefore, that the whole of that part, from

the words above quoted—"the surpluses indeed, &c."—to the words "to which our funds may become equal," should undergo a revisal, introducing in the same place the substance of the last paragraph of the 9th page respecting a donation of lands, which seems to be misplaced where it now stands. If a total revision is not approved, the following alterations are suggested.

Erase from "the surpluses" in 15th line to "first" inclusively in 18th line, and insert "the surpluses are already at this moment adequate to," or words to that effect. Erase from "to such" in 8th line from bottom to the end of the page, and insert "But whether our views be restrained." *Ninth page.*—To the word "may" in 2d line substitute "will soon;" and in 3d line, between "equal" and "I," substitute a comma to a full stop.

Ninth page.—Would it not be better to stop, when speaking of the amendment, at the words "to be applied," 7th line? It would avoid a discussion on the words "general welfare;" and it must be observed that if even those words had the greatest extent in the Constitution of which they are susceptible, viz., that Congress had power to raise taxes, &c., for every purpose which they might consider productive of public welfare, yet that would not give them the power to open roads and canals through the several States. The first reason given, that the objects now recommended are not among those enumerated, &c., is conclusive and seems sufficient. At all events, I would suppress the paragraph which suggests an amendment to erase from the Constitution those words, as questionable in its nature, and because the proposition seems to acknowledge that the words are susceptible of a very dangerous meaning.

NOTE ON THE PARAGRAPH ENTITLED "UNIVERSITY."

[22d November, 1806.]

From yesterday's conversation I thought it was agreed to restore (after the words "an accumulation of moneys in the Treasury") the words "*will ere long take place*" instead of "*is now taking place,*" as sufficiently correct and less likely to fur-

nish an argument against the limited extension of the Mediterranean fund, which is proposed.

It is true that, not this year, but as early as 1807, the accumulation will take place if Florida is not purchased. But if that purchase takes place, all the surpluses for 1807 and 1808, including the Mediterranean fund, which is wanted for that very purpose, will be absorbed by the payment, and the accumulation will commence only in 1809. It seems to me that that correction will not affect any part of the message, and that all which follows to the end will read very well, and is quite consistent with the restoration I propose. The word *system* has not been introduced as connected with *fortifications*. But I still think that for the sake of expressing an abstract opinion which is perhaps too general, the risk is incurred of killing the proposed amendment and university, and of politically losing the city and State of New York.

JEFFERSON TO GALLATIN.

November 23, 1806.

Th. J. to Mr. Gallatin.

The words "ere long" and "systems of fortifications" were omitted by oversight in correcting the copy I sent you yesterday. I had made both those amendments in the original. But I have struck out the passage about fortifications altogether, for the principle that where there is a difference of opinion it is better to say too little than too much. Affectionate salutations.

GALLATIN TO JEFFERSON.

OBSERVATIONS.

[25th November, 1806.]

Wm. Kettletas, said to be an inmate of General Wilkinson's, and appointed Attorney-General by him. This last particular is a mistake.

M. Ernest was removed for delinquency in the spring 1805;

and as soon as his accounts were adjusted a suit was instituted at Detroit by the Comptroller; but before the writ had been issued there (or probably on his hearing of its being in the hands of the territorial officer), he left the Territory for Kentucky. I had heard nothing more of him since, and, as he had left his family at Detroit, expected that we would still get hold of him. But I heard the other day by Mr. Hoffman, the present collector of Michilimackinac, that he (Ernest) had joined Duncan, the late absconding collector of Michilimackinac, at New York in February or March last. They have both disappeared; but I believe that they were seen in New York subsequent to Miranda's departure. Duncan went off with more than 30,000 dollars, but I do not think that Ernest took any money away; he had spent it, probably, before his removal. It is true that Governor Hull did appoint Ernest, then a removed officer, to some territorial offices; and being informed of it through Worthington's channel, I expostulated with the governor when here last winter on the impropriety of a territorial governor appointing a man who had just been removed by the President, and that for delinquency. Governor Hull appeared to regret that he had made the appointment, but said nothing of his having left the Territory. Observe that Hull, Woodward, and Duncan travelled together from Detroit to New York. I hope they were ignorant of Duncan's intentions, on which they did not communicate anything. The establishment of a bank was communicated by Mr. Griswold, to whom I wrote 10th instant that he ought to send the law immediately, in order that it might be laid before Congress.

This establishment must be either a landed or a swindling speculation, and I think that some inquiry should be made respecting the motives of the governor. He may certainly be written to on the subject; the objections arising both from want of apparent utility and from the charter of the Bank United States stated, and an explanation asked.

It is true that Mr. Jackson was the chairman of the committee who reported two extraordinary bills last session, one to alter the form of territorial government for Michigan on principles so opposed to those of our political institutions that I am at a loss to guess how it could pass the House without animadversion;

the other to give to the governor and judges the power of deciding on all land claims in the Territory, disposing of the vacant lands within the Indian extinguished lines. Both passed the House; Nicholson had resigned; Randolph attending to other objects; no man yet considering himself as obliged to watch over every proceeding; in fact, nobody had attended to the business. I found it necessary to interfere by speaking to members of the Senate, and succeeded in having the government bill postponed *sine die*, and the general principles of the land bill rejected.

But Woodward hung to as a leech, and obtained from Tracy, the chairman of the Senate committee, that at least the governor and judges should be permitted to settle and compromise the claims to lots in the town of Detroit, on account of its destruction by fire and the necessity of laying it out on a better plan. To this I assented; but after all they added 10,000 acres adjoining Detroit to the town, giving unlimited powers to the governor and judges to settle all claims to land within it, and without either describing which way the 10,000 acres should be laid, or enacting a single principle on which the decision should be founded. This I never knew till after the bill had become a law, Woodward and Tracy having both told me that the report would be only for the town lots. I have no doubt that there was and still is some object beyond that of having the trouble of settling complex and opposite claims. Whatever relates to land cannot be too much watched. Nicholson in the House was the only man who had attended a little to it, and Worthington is the only one in the Senate, since Breckenridge left it, who understands the subject. He has been perfectly faithful in that respect, trying only to relieve as much as possible the purchasers generally from being hard pressed for payment. The suspicion arising from the law forbidding the taking stock in payment for land, as tending to accumulate money in the land offices to the westward, is intended for me, as I proposed the alteration in an official report. The object was simply to prevent speculation and preserve purity of our land offices. For if permitted to pay in stock, the consequence was that the real purchasers paid all in cash, and the clerks (the principals would have soon done it) and others paid the United States in certificates, and pocketed the profit.

Precisely so did the sheriffs of Virginia during and after the war, when taxes were payable in certificates, &c. In this instance, James Ross and Bell, and Jenkinson, had formed two companies for the purpose, and actually paid near 100,000 dollars in stock within a few months, for which they had received cash from the purchasers. Worthington, too, had begun to speculate upon it to the amount of 10 to 20 thousand dollars. As to the accumulations of cash to the westward, it is always difficult to draw the money from the public officers there, on account of distance. Yet though 600,000 dollars were paid last year, so far from accumulating, the balances in hands of receivers have diminished since the law was passed. On 1st April last they had 395,000 dollars on hand, on the 1st October not more than 290,000. It would, to be sure, be a good prize for insurgents, but we cannot avoid it. The money must be carried at the expense of the officers two or five hundred miles to Pittsburgh; and it is only twice a year that they can take it up the Ohio from Cincinnati.

NOTES ON PARAGRAPH.[1]

"*The criminal attempts.*" Might not the word illegal be added or substituted? or the words "contrary to law" be inserted in the first paragraph when speaking of the combination? It is merely in order to introduce the idea that the enterprise is expressly forbidden by law, and that it was, therefore, the duty of the Executive to stop it.

It does not seem to follow absolutely that the enterprise if carried into effect should have decided the question of peace or war. For then it would follow that Miranda's expedition must necessarily have produced, or was to Spain a just cause of, war.

It seems to me that the last line should read "*should be*" instead of "*ought to be,*"—*it was due to good faith, &c., that the attempts, &c.,* $\left\{\begin{array}{l} \textit{should be} \\ \textit{ought to be} \end{array}\right\}$ *suppressed.*

[1] The paragraph relating to Burr's expedition, in the Annual Message. See Jefferson's Writings, viii. 63.

JEFFERSON TO GALLATIN.

December 12, 1806.

Th. Jefferson to Mr. Gallatin.

Although I have the most perfect confidence in the integrity of Briggs, and very little in Davies, his accuser, yet where a charge is so specific and direct, our duty calls for investigation. The distance is too great to wait for preliminary explanation. I think with you that Mr. Williams, the former register, will be a proper person to inquire into the charge, but that he would probably be less willing to undertake it alone than joined with another; and I would propose to join with him Mr. Dunbar, who deserves entire confidence. In the case of the removal proposed by the collector of Baltimore, I consider it as entirely out of my sphere, and resting solely with yourself. Were I to give an opinion on the subject, it would only be by observing that in the cases under my immediate care, I have never considered the length of time a person has continued in office, nor the money he has made in it, as entering at all into the reasons for a removal. The want of a collector at Chestertown shall be attended to with the first nominations. The allegations against Pope, of New Bedford, are insufficient. Although meddling in political caucuses is no part of that freedom of personal suffrage which ought to be allowed him, yet his mere presence at a caucus does not necessarily involve an active and official influence in opposition to the government which employs him. Affectionate salutations.

P.S.—I return the papers in Briggs's and the Baltimore case.

GALLATIN TO JEFFERSON.

Department Treasury, 6th January, 1807.

Dear Sir,—On 10th April, 1801, Dufour (the Swiss who has planted a vineyard in Kentucky) purchased at the sales at Cincinnati 795½ acres at 2 dollars per acre, and paid the first

instalment of 397 dollars $\frac{75}{100}$. Last winter he passed through this city, and inquired whether, as the time fixed for completing the payment would expire in 1806, there was any probability of the time being extended. To which I answered in the negative. He then informed me that he was on his way to Switzerland to bring his wife and child, whom he had left there till he was settled here, and would leave funds with a house in New York to complete the payment. That house neglected it till November, when they made inquiry respecting the amount due and the place of payment. I answered that the money must be paid in Cincinnati to the register before the 2d of December, which was the day advertised for the sales of forfeited lands, and offered, in order to insure the transmission of money, that if they would pay the amount into the Treasury, I would send the receipt to the receiver or register, with whom, provided he received it before the sales, it would be a sufficient evidence of payment. They accordingly paid the money, 1600 dollars, in the Treasury on the 21st November, and on the same day I transmitted the Treasurer's receipt to the register. My letter did not reach him till the 8th December, and the land had been sold on the 2d. Although I consider this as a very hard case, because the money was paid, not, it is true, to the proper officer, but to the Treasurer before the sale took place, yet I think the sale legal and the purchaser entitled to a patent.

But what induces me to lay the case before you is that Mr. Mansfield, the Surveyor-General, is the purchaser, and has refused, though apprised of all the facts by Mr. Findlay, the receiver, to relinquish his purchase. I enclose his letter and that of Mr. Findlay. On principles of common honesty he ought, even if he had been a private individual, to have given up his bargain. But it appears to me that as a public officer, and under the circumstances of payment to the Treasury, and transmitted through the Secretary, it was his duty particularly so to do. Yet I can give him no orders on the subject, as the purchase is made in his private capacity. I wish, if you view the subject as I do, that you would either write him a private letter, or authorize me to use your name, not by way of orders to him, but of the opinion entertained of the transaction. My best endeavors,

knowing the abuses committed in almost every State, have been exerted, and, I think, with success, in preserving the purity of our land offices; and I see with great regret an act committed by an otherwise very worthy man and vigilant officer, which has a tendency to render the officers obnoxious and to justify similar or worse acts in others.

With respectful attachment, your obedient servant.

JEFFERSON TO GALLATIN.

January, 1807.

Th. J. to Mr. Gallatin.

The sale of Dufour's land appears to have been regular. The purchase, too, by Mr. Mansfield is valid in law and in the equity of the courts. It is true Mansfield was an officer of the United States, but his office was noways connected with the sale of the lands. Had Findlay purchased, it would have been different, because he would have been both seller and buyer; but Mansfield was as much a private citizen as to that sale as the marshal of Washington would have been, or as any private citizen. It might indeed be a very honorable delicacy in him to relinquish it, but I doubt if sound morality requires it.

The opinion on the back of one of the letters respecting the collections of the direct tax in South Carolina, signed D. L., seems to be a very sound one, and the application by William Smith to a court of equity the most extraordinary one I have ever known. The law carefully prescribing the precise procedure in everything respecting a tax, from the moment of the demand till it is in the Treasury, and all in that summary way necessary in tax-gathering, does in effect prescribe what procedure it shall not be subject to, and particularly that it shall not be subject to the dilatory process of the courts: a collector cannot bring an action in a court for a tax, because that is not the remedy the law has provided, and the courts would be filled with these actions, and the people loaded with heavy costs; and, e converso, the citizen cannot carry the case into a court. It is impossible that Judge Bee should sustain the injunction. If he does, the

remedies are appeal and impeachment. It would be against usage to be amending the laws on every error of a single judge. Should Bee maintain the injunction, as we have no Attorney-General here, we should take the opinion of Dallas, Hay, or other good lawyers. Affectionate salutations.

JEFFERSON TO GALLATIN.

January 18, 1807.

Th. J. to Mr. Gallatin.

The appointment of a woman to office is an innovation for which the public is not prepared, nor am I. Shall we appoint Springs, or wait the further recommendations spoken of by Bloodworth? Briggs has resigned, and I wish to consult with you when convenient on his successor, as well as on an Attorney-General. Affectionate salutations.

GALLATIN TO JEFFERSON.

NOTES.—MESSAGE RESPECTING GUNBOATS.

[8th February, 1807.]

Second paragraph.—Might not this be altogether omitted? It is true that the resolution of the House has arisen from the debate on fortifications *versus* gunboats. But as it does ask information only on the last subject, it is not necessary to allude to the other subject,—such allusion will be construed as taking side against New York fortifications,—and the expression of that opinion of the President is necessary neither to prevent too large a fortification appropriation nor to show the efficiency of gunboats. On the contrary, the third paragraph, with some trifling alterations in its introduction, would present the whole system contemplated by the Executive (which, in fact, embraces, under the name of land-batteries, a species of fortifications), without giving offence or interfering with the question of per-

manent and detached fortifications. It may be added that Castle William, Mud Island, Fort Johnson, and even the works now going on on Governor's Island, must be considered as regular fortifications, not properly embraced under the designation of land-batteries, and from their insular and detached situation to be necessarily manned by a standing military force.

Fifth paragraph.—Omit or modify the words "inhabited by, &c., whose system like ours is peace and defence;" otherwise Algiers will be stated as having a system of peace and defence exclusively. Omit the sentence already pencilled relating to our squadron; it is not, I think, altogether correct in point of fact; we wanted gunboats there to attack theirs in shallow water, and even to attack their batteries; but our frigates never avoided them, for their ground (of the frigates) was on the high seas, where the Tripolitan boats dared not come. To gunboats, properly so called, I do not think that the British have much resorted in the Channel; but they did under Curtis, in completing the destruction of the floating batteries at Gibraltar. It is well known that during that long siege they found it indispensable to have such an armament to meet a similar enemy's force. The Swedes and Russians have used them to a greater extent than any other nation. The most splendid achievement by gunboats was the destruction (on 28th and 29th January, 1788) of a great part of the Turkish fleet, under their celebrated Captain Pacha Hassan Aly, in the Liman, or mouth of the Dnieper, by the Russian flotilla under Prince of Nassau. Nassau had 22 one-gun boats and 27 galleys. Hassan attacked him in order to force the passage and besiege Kinburn, with 16 ships of the line and several frigates, and lost nine of his ships.

The latter part of this paragraph, commencing with the words "and indeed," to the end, might be omitted.

Seventh paragraph—"and the 127, &c., would cost from five to six hundred thousand dollars."

Quere, whether any gunboats fit for sea, including rigging, guns, &c., have actually been built for less than five thousand dollars; and whether it be intended that they should all be built of a size that will cost no more? Are also the appropriations already made sufficient to complete the first 73?

For the idea conveyed is that less than 600 thousand dollars will complete the whole number of 200. If there be any uncertainty on that point, such modification in the expression should be made as will avoid a premature commitment.

"Having regard, &c., it has been thought that one-half might be built this year and the other half the next." I am clearly of opinion that we ought to build now all those that are wanted for the Mississippi, and also that number which it may be thought proper to keep afloat in time of European war in the other ports. The number for the Mississippi is stated in the message at 40; that to be kept afloat generally in time of European war, stated in the eighth paragraph at 24 at most. This makes at the utmost 64, and there are already 73 building. It does not seem to me that there is any necessity to build beforehand any great number, for the others are expressly stated in the message to be wanted only in case the United States are at war.

If any length of time was necessary to build such vessels, it might be proper to be at all times prepared with the whole number wanted. But of all the species of force which war may require,—armies, ships of war, fortifications, and gunboats,—there is none which can be obtained in a shorter notice than gunboats, and none, therefore, that it is less necessary to provide beforehand. I think that within sixty days, perhaps half the time, each of the seaports of Boston, New York, Philadelphia, and Baltimore might build and fit out thirty, and the smaller ports together as many, especially if the timber was prepared beforehand. But beyond that preparation I would not go; for, exclusively of the first expense of building and the interest of the capital thus laid out, I apprehend that, notwithstanding the care which may be taken, they will infallibly decay in a given number of years, and will be a perpetual bill of costs for repairs and maintenance. Sheds will be of use, provided the boats are built and not launched; but if once in the water, they must share the fate of all other vessels, whether public or private. It would be an economical measure for every naval nation to burn their navy at the end of a war, and to build a new one when again at war, if it was not that time was necessary to build ships of war.

The principle is the same as to gunboats, and the objection of time necessary to build does not exist. I also think that in this, as in everything else connected with a navy and naval department, the annual expense of maintenance will far exceed what is estimated; and I would not be in the least astonished if, supposing 200 gunboats were actually built, it should add half a million of dollars a year to our annual expenses for the support of that establishment. I would therefore suggest that the latter part of this paragraph which contemplates the building of 123 in two years should be omitted, and at the end of the eighth paragraph to omit also the words "without expense for repairs or maintenance," and to insert the substance of that part of the seventh paragraph which submits the question to the Legislature, but with a modification, so as to read in substance: With the Legislature it will rest to decide on the number sufficient for the object and the time of building.[1]

JEFFERSON TO GALLATIN.

February 22, 1807.

Th. J. to Mr. Gallatin.

I send you Allston's letter for perusal. He thinks to get over this matter by putting a bold face on it. I have the names of three persons whose evidence, *taken together*, can fix on him the actual endeavor to engage men in Burr's enterprise. Some appropriation must certainly be made for provisions, &c., arrested. I expect we must pay for them all, and use the provisions for the army. But how is the appropriation to be introduced?

JEFFERSON TO GALLATIN.

March 31, 1807.

Th. J. to Mr. Gallatin.

I return you the circular letter to the registers on the subject of intruders on the public lands, with a proposition for a single

[1] See Mr. Jefferson's reply, in his Writings, v. 42.

alteration. This is in the paper B, where, instead of specifying for what purposes they may cut wood, how much land they may clear, and what other acts shall be deemed waste or damage, which would be to be accommodated to every tract according to its nature, and consequently difficult, I would use the general words of the law, "on the condition of doing no waste or damage on the lands." In both forms you are free to remove the tenant on discovering that he is committing waste or damage, and in both, if he has committed it before discovery, you must resort to a court to recover the damages, and they are the proper judges what act is waste, according to the circumstances of the land. The spirit of the late session of Congress being conciliation, I think it will be more promoted by these general words than by a higgling bargain with the tenant. Affectionate salutations.

GALLATIN TO JEFFERSON.

WASHINGTON, 13th April, 1807.

DEAR SIR,—I hope this will find you safely arrived at Monticello, and that this short relaxation from public cares will completely re-establish your health. I give this day to Mr. Madison the result of my inquiries respecting the whole number of our seamen and the proportion of British subjects amongst them. You will find this last to be larger than we had estimated, and, though conjectural, rests, however, on the only data we now possess. My conclusion is that a provision similar to that suggested, viz., an engagement on our part to employ no British sailors, would materially injure our navigation, much more indeed than any restrictions which, supposing no treaty to take place, they could lay upon our commerce. Nor will it be worth while to purchase at that price any of the suggested improvements in the commercial part of the treaty, because the curtailing of our navigation by that measure would effectually prevent our enjoying the advantages which might otherwise result from such modifications. The question, it seems to me, will be merely whether we will make that sacrifice in order to obtain

an abandonment of the practice of impressing hereafter. And upon a reconsideration of the subject, the fact as to numbers and consequences being very different from what we had apprehended, I think the sacrifice too great for the object. Unless, therefore, it be believed that a failure in the treaty will lead to hostilities, or to a state of things equivalent thereto, it appears to me improper to offer the proposed arrangement. I am strengthened in the opinion by the views of the commercial articles which have been lately presented by General Smith, Captain Jones, &c. For, as the modifications to be attempted were not to be considered as ultimate, we may, from past experience, infer that they will not be obtained, and we shall then have made a very great sacrifice in order to preserve a very bad treaty. Should you, however, upon a view of the whole ground, be of opinion that it is better to abandon the British sailors than to run the risk of the consequences which may follow a rejection of the treaty, I would suggest the propriety of making not only that provision as ultimatum, but to add to it at least the expunging of the East India article and such modification or explanation of the fifth and of the colonial article as will free them from ambiguity, confining expressly the reciprocity of freedom of commerce and equalization of duties to articles the produce of British dominion in Europe imported into the United States from Europe in British vessels, and so explaining the colonial article that it may not be susceptible of any construction which would deprive us of any of the branches of trade (such as carrying nankeens and other China articles to the West Indies, &c.) which we have heretofore enjoyed without molestation.

If, on the other hand, the British government will evince its disposition to be on good terms with us by agreeing to the arrangement respecting seamen on the principles which have heretofore been proposed to them, I would think that provision so desirable that, after every attempt to modify the most exceptionable parts of the treaty had failed, I would swallow it for the sake of that article.

The collector of Savannah, whom Milledge had given to us, has paid nothing for some time, and I am informed by the branch bank that he had lodged there but an inconsiderable part of the

revenue bonds. This renders it necessary that an investigation of his accounts, bonds on hand, and moneys received should take place immediately, and I will authorize Alger, the commissioner of loans, and perhaps the district attorney, to do it.

If they discover a defalcation, it will be necessary to take the collection from him immediately, as it amounts to about six thousand dollars a week. But as we have no successor ready, I would in that case propose that he should be notified that he is removed, which, until a successor is appointed, would place the collection in the hands of the naval officer or surveyor. If you approve the plan, be pleased to state it, as it is in your name that I must notify him that he is removed. Mr. Alger, the commissioner of loans, whom I mean to employ in the inquiry, has behaved very well as a public officer, but I know nothing of the district attorney, whose name is Bulloch. If you recollect anything of him which may show whether he may be joined in the investigation, I would thank you to communicate.

Answers have been received from Bishop Madison, and from Messrs. Patterson, Garnett, and Hassler, respecting the surveying of the coast. I expect daily to hear from Ellicott and Briggs, and will not transmit the letters till all have been received. They will require examination, as there seem to be some points on which they differ.

I enclose a letter from a member of the Legislature of Pennsylvania, enclosing a rough copy of the Act for the Cumberland road. Although the words "if such an alteration can, in the opinion of the President, be made *consistently* with the Act of Congress," are neither very intelligible nor very proper, yet, as in the conflict of local interests and the silent but steady opposition of Philadelphia, this was the best that could be obtained, and the Act explicitly authorizes the President to lay the road over any ground in the State which he may deem most advantageous, I think the Act should be accepted. The two last sections are only intended to prevent owners of land asking exorbitant prices for timber, stones, gravel, &c., wanted for the road. The immense importance of that road, as part of a great Western travelling road, and principally as the main communication for the transportation of all the foreign or Atlantic articles

which the Western States consume, and even for the carriage of Western flour and produce to the Potomack, induce me strongly to wish that that part particularly which lies between the Potomack and the Monongahela may be completed in the most substantial manner. And for that purpose I think that the best application of the money already appropriated will be, commencing at Cumberland, to make in the most complete manner just so many miles as the money will pay for. I do not suppose that will effect more than five or six miles; but I have no doubt of Congress appropriating then enough to finish it; and as a national object it is of primary importance. Ten thousand tons will be carried westwardly annually, and perhaps one hundred thousand barrels of flour brought back. I think the annual saving in expenses of transportation will exceed two hundred thousand dollars. Two letters respecting the robbery of public moneys at Cincinnati are enclosed.

With sincere attachment and great respect, your obedient servant.

GALLATIN TO JEFFERSON.

WASHINGTON, 16th April, 1807.

DEAR SIR,—I enclose Governor Harrison's letter and his contract with Mr. Taylor for the lease of the Saline, which, as you will perceive, requires your approbation. The contract is certainly an advantageous one for the intended object,—the reduction of the price of salt. I believe that it will be found cheaper to carry the water by pipes lower down the creek than to attempt to improve its navigation. But a road would be useful. We have gained about two thousand dollars after paying the agent on the re-sale of salt during the former lease; but how far we are authorized to apply that money to improvement is a question to be examined. Would it not be advisable to order immediately all the intruders on the land, the timber of which will be wanted, to be removed? Mr. Madison proposes that we should offer to Great Britain to give up all the British sailors who shall not have been in our employment two years previous to the exchange of ratifica-

tions of the treaty. Our tonnage employed in foreign trade has increased since 1803 at the rate of about 70,000 tons a year, equal to an increase of 8400 sailors for two years, and I would estimate that the British sailors have supplied from one-half to two-thirds of that increase; for the natural increase of our native sailors has been in a great degree absorbed by the increase of whale-fisheries and impressments. Supposing, however, that proposition to deprive us of five thousand British sailors, I would agree to it on condition that the British will relinquish impressments and agree to those reasonable modifications founded on reciprocity in the 3d and 5th and colonial articles, which our examination of the subject and the opinion of the gentlemen we have consulted have suggested. Will you have the goodness to inform me when you expect to return? My health requires a short excursion, and I wish to time it so as to be here at that time.

With respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

WASHINGTON, June 25, 1807, 5.30 P.M.

DEAR SIR,—I am sorry to be obliged to hasten your return to this place, and pray that it may be without a moment's avoidable delay. The capture of the Chesapeake by a British ship of war renders it necessary to have all our council together. The mail is closing. Affectionate salutations.

GALLATIN TO JEFFERSON.

HAVRE DE GRACE, Monday evening, 29th June, 1807.

DEAR SIR,—I this moment received your letter, which Mr. Patton sent after me. I am so much fatigued that I cannot ride all night by the mail; but I will be with you on Wednesday, about 2 or 3 o'clock, afternoon.

With respectful attachment, your obedient servant.

JEFFERSON TO GALLATIN.

July 1, 1807.

Th. J. to Mr. Gallatin.

I received last night your letter from Havre de Grace, in which you count on being here to-day by two o'clock. It will save a day in the measures we may determine to take if I can see you soon after your arrival. If you arrive before half after three, come and take a family dinner with me, that I may put you in possession of what is under contemplation, so that you may have to reflect on it till to-morrow, when, as you will see by another note, I have asked a meeting. Affectionate salutations.

GALLATIN TO JEFFERSON.

Department Treasury, Tuesday, 7th July, 1807.

Dear Sir,—I was in the act of writing you a note when I received yours, together with enclosures. Being at this moment under the operation of medicine, I cannot wait on you this morning. If I am able, I will go to you this evening. It appears to me that the only thing which can be done to-day is to send orders for making the best defence in case of attack. But it is probable that the information of Dr. Bullus is correct, and that the intention of the British is rather to blockade than to attack. Has the order been sent to Decatur to offer water to the squadron if they will depart? Would it be possible to send from some other port, Philadelphia or New York, one or more pilot-boats to cruise off the Chesapeake, in order to give notice to inward-bound vessels to sail to another port?

Yours respectfully.

JEFFERSON TO GALLATIN.

July 16, 1807.

If Mr. Gallatin will be so good as to call on Th. J. on his arrival at the office, the other gentlemen will then attend on.

being notified, and consider the subject of Mr. Gallatin's letter received yesterday. It is the more necessary, as everything else is ready for the departure of the vessel. Affectionate salutations.

GALLATIN TO JOSEPH H. NICHOLSON.

WASHINGTON, 17th July, 1807.

DEAR SIR,—I have received yours enclosing 152 dollars for Mrs. Seney, which I will forward to her by this day's mail in a draft on New York.

With you, I believe that war is inevitable; and there can be but one opinion on the question whether the claims of the parties prior to the attack on the Chesapeake should be a subject of discussion. There were but two courses to be taken,—either to consider the attack as war, and retaliate immediately, or, on the supposition that that act might be that of an unauthorized officer, to ask simply, and without discussion, disavowal, satisfaction, and security against a recurrence of outrages. The result will, in my opinion, be the same, for Great Britain will not, I am confident, give either satisfaction or security; but the latter mode, which, as you may have perceived by the President's proclamation and his answer to military corps, has been adopted, was recommended not only by the nature of our Constitution, which does not make the President arbiter of war, but also by the practice of civilized nations; and the cases of Turk's Island, Falkland Islands, Nootka Sound, &c., are in point in that respect. Add to this that the dissatisfaction caused by that course operates only against the Administration, and that the other will produce an unanimity in support of the war which would not otherwise have existed. It will also make our cause completely popular with the Baltic powers, and may create new enemies to Britain in that quarter. Finally, four months were of importance to us, both by diminishing the losses of our merchants and for preparations of defence and attack.

I will, however, acknowledge that on that particular point I have not bestowed much thought, for, having considered from

the first moment war as a necessary result, and the preliminaries appearing to me but matters of form, my faculties have been exclusively applied to the preparations necessary to meet the times; and although I am not very sanguine as to the brilliancy of our exploits, the field where we can act without a navy being very limited, and perfectly aware that a war in a great degree passive and consisting of privations will become very irksome to the people, I feel no apprehension of the ultimate result. We will be poorer, both as a nation and as a government, our debt and taxes will increase, and our progress in every respect be interrupted. But all those evils are not only not to be put in competition with the independence and honor of the nation; they are, moreover, temporary, and very few years of peace will obliterate their effects. Nor do I know whether the awakening of nobler feelings and habits than avarice and luxury might not be necessary to prevent our degenerating, like the Hollanders, into a nation of mere calculators. In fact, the greatest mischiefs which I apprehend from the war are the necessary increase of executive power and influence, the speculations of contractors and jobbers, and the introduction of permanent military and naval establishments.

Money we will want to carry on the war; our revenue will be cut up; new and internal taxes will be slow and not sufficiently productive; we must necessarily borrow. This is not pleasing particularly to me; but it must be done; for whilst we must avoid expenses for inefficient operations and waste, as far as is practicable, the expense, provided we can by any method whatever defray it, must never be an objection to any necessary measure of defence, or to any rational active operations against the enemy. We have about eight millions in the Treasury, and from a very rough estimate I think that we will want to borrow about ten millions annually whilst the war lasts; rather less, however, the first year, although it will be the most expensive. People will fight, but they never give their ~~money~~ for nothing. Patriotic gifts and loyalty loans cannot be depended upon; we must buy money at its market price, and in order to borrow cheaper it will be necessary to keep up the price of stocks by occasional purchases. All this is, of course, between ourselves.

But as I think that our first loans must be obtained from the banks, and you are a bank director, I will thank you to sound the ground on that subject. With the Bank of the United States I will treat separately; but the best course would perhaps [be] that the directors of all the other banks of Baltimore should consult together and see what in their opinion might be loaned. From the extent of banking capital there and the great diminution which will take place in commerce, and therefore in their business, I am confident they might lend one-half of their capital to government without any inconvenience either to the mercantile interest or to themselves. The periods both of their advance and of the reimbursement, as well as the manner of throwing the thing into form, would be a matter of detail. Will you consult with General Smith, who is connected with other banks, on that subject? I will write to him about it to-day or to-morrow. I mean to make similar informal overtures in the other seaports; and it would have a good effect both here and abroad to be able to state to Congress that resources are already prepared. The war may be of shorter continuance if the enemy receives an early impression that we are willing and able to hold out.

Yours sincerely.

GALLATIN TO JEFFERSON.

July 25, 1807.

DEAR SIR,—I enclose a list of our seaports, showing, by the respective amount of tonnage belonging to each, of their annual exports, and of their annual payments into the Treasury, their relative importance as to navigation, commerce, and revenue.

I wanted also to take a general view of all the measures for defence and attack which might become a proper subject of consideration at this time; because, however incorrect I might be in many respects, it was the best mode not to forget anything. But I have been so unwell and my head so muddy that I was unable to analyze the subject in a manner satisfactory to myself. Such as it is, I, however, enclose my memorandum, as it may at all events contain something which might otherwise have been omitted.

I will only add that if the British Ministry is possessed of energy, and that we have no reason to doubt, we must expect an efficient fleet on our coast late this autumn, with perhaps a few thousand land forces, for the purpose of winter operations in the South. Their great object of attack will be one of four places, according to seasons and circumstances,—New York, Norfolk, Charleston (or perhaps Savannah), New Orleans.

[Enclosure.]

MEMORANDUM OF PREPARATORY MEASURES

which may be adopted by the Executive in relation to war, defensive and offensive.

Defensive.

1. Arms and ammunition, repairs of artillery, particularly carriages, and making new (common and travelling) carriages.

Purchase and fabrication of mortars and heavy cannon for batteries.

Purchase of and contracting for saltpetre and sulphur at home and abroad.

Note.—In estimating the quantity wanted, take in view the offensive operations, and the great consumption by heavy artillery on batteries and gunboats; by do. in sieges; by navy; by privateers; also the usual average expended in each campaign by a given number of men, and the waste by militia; finally, the obstructions to importation in time of war, the East Indies being out of question, and the article contraband.

Purchase, fabrication, contracting for muskets, pistols, swords, and other cavalry accoutrements.

Note.—The necessity of arming (by sale or otherwise) the militia in actual service in various quarters of the Union to be considered.

Transportation of heavy artillery and ammunition, so that the batteries may be immediately mounted.

Note.—Our sea-coast navigation being still unobstructed, the opportunity of supplying those places for which it may, during the war, be difficult to provide, should not be neglected.

2. Batteries and fortifications.

Places where batteries and only batteries (to be guarded by only a few men, and manned by the nearest militia in case of attack) are wanted.

Note.—It is impossible to protect every landing-point of such a coast as that of the United States. The table of seaports herewith transmitted shows their respective importance. All those places which deserve the name of towns, and which, by the shipping they contain, or as deposits of produce and merchandise, offer a temptation of plunder or destruction, ought to have at least a battery to protect them against attacks by a single frigate or any other small force.

Places which from their importance require some stronger defence than a common battery may be divided into two classes:

1. Those which from the forts already erected, the difficulty of access, and the adjacent population, offer few difficulties and require only attention, repairs, artillery, and perhaps some additional garrison. They appear to me to be the following, viz.:

Portsmouth, N. H.—deep water, but narrow, defensible channel.

Newburyport—a bar-harbor.

Salem—a tide-harbor, but heavy shipping exposed.

Boston—Castle William a good defence; but from its importance this port may require some town-forts, and something in Nantasket Roads.

Providence—very high up.

New London, Saybrook, New Haven.—As several of those ports were burnt by the British during the Revolutionary war, some fort should defend the entrance of each.

Philadelphia—Mud Island and bar. Population.

Wilmington, Del., may want something more than a battery. Quere.

Baltimore—Fort McHenry, shallow water. Population.

James River—a point to be selected below City Point which may protect the immense deposits of produce at Petersburg and Richmond.

Ocracoke will be important outlet in time of war, easily defended; but must have a garrison and gunboats, there being no population. Quere, whether the danger of a fort being taken

by the enemy does not render it eligible to defend it only by a battery and gunboats.

Wilmington, N. C.—shallow water, but requires a fort above new inlet. Population very scattered.

Charleston—bar and Sullivan's island; but must be attended to. It is, next to New York, the greatest deposit of domestic produce, and in war-time may be greater still. Depth of water at the bar:

	Low Water.	High Water.
Neap tides,	12½ feet.	17½ feet.
Spring tides,	11½ "	19 "

2. Those which, from either great facility of access by land or water, weakness of population, importance as compared with the means sufficient to take them, or difficulties attending the protection, require particular attention and more powerful means of defence, viz.,

Portland—was burnt—is quite open.

Newport, New York—need no comment. But the plan of defending the approaches of New York by narrowing the channel at the most convenient place may require the immediate attention and countenance of the Executive, as, under their auspices, it might be at once commenced by the city. I think it the only plan which will give real security. Its practicability and expense must be examined.

Washington will be an object, in order to destroy the ships and naval stores; but particularly as a stroke which would give the enemy reputation and attach disgrace to us. The Potomac may be easily defended. But an active enemy might land at Annapolis, march to the city, and re-embark before the militia could be collected to repel him.

Norfolk—forts and gunboats may defend the approaches by water; for the depth of water is such that a 74, injured by those near the town, could hardly repass the narrow channel below. In that narrow channel perhaps some work may also be erected. But I think the great danger to be by land. The white population is weak. Three thousand men landing at Lynn Haven Bay, within eight miles from Norfolk, might certainly burn it, or take the batteries, open the way to their fleet, destroy the shipping,

plunder the town. I see no remedy but a sufficient garrison, and such intrenchments as could not be carried without regular approaches and would give time to the militia to assemble and raise the siege. Or the place must be considered as indefensible, and another place of deposit for produce substituted.

Savannah—water shallow; but three or four millions of produce sometimes deposited there, and the extreme want of white population in all the country near it might offer inducement to land a force sufficient to plunder the place. A garrison seems also the only remedy.

New Orleans, like Savannah and Norfolk, cannot be defended by its population alone. Its defences, in support of gunboats in the river and on the lake, should be strong forts at Plaquemine and St. John. A garrison and forts in the city do not appear to be of any use. If an enemy lands on terra firma, he will take the town and garrison, and we must retake it from the upper country. But with a moderate force, properly distributed on water and in the forts, which command the navigation, it is the most easily defended place, of equal importance, in the United States.

3. Gunboats and water defences.

Those already authorized to be finished and properly distributed. Timber to build more, but applicable generally to navy, to be contracted for.

The practicability of preventing an enemy from keeping possession of the Chesapeake by anything short of a superior naval force, to be inquired into.

4. Men. Artillery and other corps to be immediately filled aud over-filled.

Quere: Has the President any power to increase the number of men in each company?

An organization of the militia, whereby, in case of attack on any point, a certain portion may always be ready to march there; regularity may be introduced; useless expense avoided; require the sanction of Congress. But, this being the great means of defence, the most eligible and practicable plans should be digested for the consideration of that body.

The number of artillery and other regulars wanted to garrison

the forts on our sea-coasts should also be ascertained, so as to be ready for Congress when they meet.

The northern or Indian frontier to be considered in connection with the preparations for attack.

Offensive operations may, in the first instance, be directed against Upper Canada, Lower Canada, New Brunswick, Nova Scotia, Bermuda, New Providence, Newfoundland.

Upper Canada—necessary to be taken in order to cover our northern frontier and to ruin the British fur-trade. Points of attack designated by nature,—Detroit and Niagara. Detroit may be approached:

1. Through the wilderness from Upper Miami or Scioto. 2. More easily by land and water from Connecticut settlements on Lake Erie. The provisions and magazines must necessarily be sent that way. Provisions will be supplied by Connecticut Reserve, and settlements on Ohio, Alleghany, Muskingum.

The force may be drawn, if first route, from Ohio and Kentucky; but if from Lake Erie, from Ohio and, perhaps, partly from Pennsylvania. Fifteen hundred men, in addition to Michigan militia, appear sufficient. Subsequent operations in that quarter will be:

Reduction of Fort Huron and Grand Portage, destroying fortifications, intercepting the fur returns in the spring.

Securing the country against the Indians and disaffected Canadians, by a small naval force on Lakes Michigan and Huron; a small, strong post at St. Mary's Fall. Strong detachments, say 500 each, at Detroit, Michilimackinac, and Chicago.

Niagara may be approached:

1. From Alleghany, by which route Western Pennsylvania militia may march.

2. From Genesee, by land and Lake Ontario, which is the route of provisions and magazines.

The force must be drawn from Upper Pennsylvania, on Alleghany and Susquehanna, and from western parts of New York.

Its extent must depend on the British force and temper of inhabitants.

Lower Canada must be taken as far down as Montreal, to cut up the communication with Indians and Upper Canada.

The taking of Quebec will better secure the object. At all events, it would be better to have the seat of war between Montreal and Quebec than predatory incursions at home.

Points of attack are, Kingston, at lower end of Lake Ontario.

Montreal and Point Sorel, by Champlain and St. John.

Quebec, by Kennebec, &c.

Kingston and adjoining country must be attacked by militia from the adjacent New York settlements, which will afford also the provisions. Will 500 men be sufficient? Montreal, the great point of attack, must of course be attacked by Lake Champlain, through which troops, provisions, artillery, and magazines will be transported.

The force to be drawn from New York can be but moderate, as part of the militia of that State will be employed against Niagara and Kingston, and nothing can be taken from the city and its vicinity. But in the employment of militia, the distance from which they are taken becomes so important a point of expense, that a part must be taken from that State. Vermont, in the first place, and a portion of the nearest parts of New Hampshire, Massachusetts, and Connecticut, should supply the rest. If more are wanted, New Jersey and Pennsylvania must furnish it. The mass of New Hampshire, Massachusetts, and Rhode Island must be reserved for New Brunswick and Nova Scotia. From the States south of Pennsylvania I would draw nothing for the North, because they are too distant and not used to the climate; [besides] that none can be spared from the negro country, and they will be wanted for Norfolk, Charleston, and Savannah, and New Orleans.

The extent of the force must depend, for this winter, on the question whether Quebec can be attacked. Considering the lateness of the season when active operations can commence, I should think that if regular approaches are necessary, that place cannot be attacked before spring. If that opinion is correct, 4 or 5000 men might be sufficient to take and occupy the country

as low down as Trois Rivières. Quebec may be approached by Kennebec or Montreal. But I think that an operation by the first route should be only for a feint, and to distract and divide the force of the enemy. The principal attack must be from Montreal. The British force does not exceed two regiments of regulars, but may be reinforced even this autumn, and will certainly be so early in the spring. Our operations should therefore commence against that place extremely early, which will require every preparation of artillery for a siege—provisions and magazines—to be made in winter, and moved as far down St. Lawrence as possible. Not less than 8000 men will be wanted to take and afterwards to defend the country. But I think that if we take Quebec, the fortifications should, on the land side, be levelled to the ground, depending on our troops to defend the country, and disabling the enemy from occupying so strong a place against us if they shall make an attempt to retake Canada. In that case, if they have no strong place, they must evacuate the country before winter, or run the risk of all being taken in winter. It is improbable, because it would be impolitic on their part, that they shall attempt to reconquer the country; and perhaps a less force may be sufficient on that account to defend it. A naval force calculated to defend the river above a given point should make a part of the system. It will also be necessary to consider what should be the point where to retreat and make a stand in case of disaster, and to provide accordingly—Quere, Point Sorel, or some point below it, which may defend the approaches both to Montreal and to Lake Champlain.

New Brunswick is important as leading us to Nova Scotia, and as cutting off the communication between that colony and Quebec. It can only be approached from Maine by land and water. Provisions must be taken from Portland and Kennebec by water. The eastern county of Maine cannot supply them. Some small armed vessels may be necessary. If the brigs in the Mediterranean come in time, they would answer. The British force consists of only a regiment of fencibles. Our force, if this winter's operations be limited to St. John's, which is only forty miles from our boundary, may be drawn entirely from Maine and New Hampshire.

Fort Cumberland on the isthmus is (I believe) 150 miles beyond St. John's River, intermediate country thinly inhabited, and bad roads. A considerable settlement in the vicinity of Fort Cumberland, both in New Brunswick and Nova Scotia. It would be important to make a lodgment there this winter. But it would require 4000 men to be secured, and all the provisions, artillery, magazines, must be transported by water. The reason why, if Nova Scotia is not attempted this winter, I think the occupation of New Brunswick, and particularly Cumberland, important is, that such position threatening Halifax will, even if we are unable to attack that place, compel the British to keep there all their land forces, and secure us against land attacks in our vulnerable southern points.

Nova Scotia is to us the most important colony to occupy, on account of Halifax, and the most difficult to take, on account of its peninsular situation, and of the difficulty and distance of land communication through the eastern part of Maine and New Brunswick. But so long as the British hold Halifax they will be able, by the superiority of their naval force, to blockade, during the greater part of the year, all our principal seaports, and particularly New York, including the Sound, Philadelphia, the Chesapeake, and Charleston. If we take it, the difficulty to refit and obtain refreshments will greatly diminish that evil, and enable us to draw some advantage from our small navy on our own coast. Add to this, that being compelled to keep a strong land force at Halifax, they will, whenever they may perceive that there is no immediate danger of attack from us, detach occasionally corps of 3 or 4000 men to co-operate with their fleet and make predatory descents in various parts.

Halifax is the point of attack, and may be approached, 1, by marching round via Cumberland, which will perhaps be the only practicable route, but, for reasons already mentioned, will prove a difficult route for provisions, artillery, &c.; 2, by landing at some of the harbors in the immediate vicinity of Halifax; which, considering the naval superiority of the British and the distance from our nearest port, appears not practicable; 3, by crossing Bay Fundy from the nearest seaport, and landing at Windsor in the Basin of Mines. The distance is short, and the passage may

by watching a proper opportunity be effected. By this, the whole distance through the difficult parts of the march is avoided; and the port may be kept against naval attacks; for although you have 40 feet water, ships lie dry every tide; indeed, no large ship would venture there, and if she did would be destroyed. Windsor is the best settlement in the province, 40 miles from Halifax, and a good road; it lies also precisely on the road from Halifax (which forks there) to Cumberland and to Annapolis, each of which lies about 80 miles further,—the first northwest, the other southwest,—and are the two next best settlements. By landing at Windsor, the garrisons of those two places would be cut off, and Halifax reached in two or three days. It does not seem to me that it is more difficult or dangerous to cross Bay Fundy than to coast all around it, which must be done if the Cumberland road is taken. Of this, however, military men can alone judge, and by them, also, must be decided the question whether Halifax can be attempted this winter (which, for similar reasons to those stated in relation to Quebec, appears impracticable); and if not, whether a landing should be made this autumn at Windsor. In relation to those operations generally, it may be observed that two frigates as convoy either to Cumberland or Windsor might be risked. In that case, that from the Mediterranean and the Chesapeake might be used; the Chesapeake going whilst she can, first to New York, in order to conceal the object, and, at the moment of action, through the Sound, if necessary, to the eastward.

The force now at Halifax consists of two regiments of regulars and one fencible. But they may and undoubtedly will be reinforced this autumn and winter.

The force to be employed against Nova Scotia must necessarily be drawn principally from the New England States; and, whatever route be taken, 10 or 12,000 men seem necessary. A force not much inferior must be kept to defend it, and it will not be easy to supply it with provisions, &c. I should also think that the land fortifications should be destroyed, leaving only the forts and batteries which defend the harbor.

Bermuda and New Providence will be important, as affording stations to British privateers and affording refreshments to their

fleet on our coast. I think they might both be taken by small armaments from the Southern States; Bermuda to be retained and garrisoned; the vessels and forts in Providence to be destroyed and the place evacuated. But whether the advantages be worth the expense and risk, particularly as relates to the permanent occupation of Bermuda, is a doubtful question.

Newfoundland.—It is true that a landing in summer would materially injure the fisheries for that year. But the British keep always for their protection a fleet of sufficient strength during that season. The object, being of a more remote nature, may be kept for future consideration.

Measures to be adopted or considered at present in relation to those offensive operations:

1. All the artillery, ammunition, tents, and other camp-equipage necessary for each of the expeditions agreed on should be prepared and transported to the places of rendezvous, viz., to Lake Erie, Genesee, Lake Champlain, and Portland or Boston, or to such other places sufficiently near the point of departure. But considering the time when active operations can commence, viz., middle November, if not later, every heavy article should be moved as far as possible. If siege-artillery particularly is not so far advanced as to be able to move it at least to Point Sorel this autumn, the opening of the next campaign may be much delayed.

2. The provisions for at least three months' supply, and I think six months would be better, should be immediately purchased or contracted for, having them deposited in time at the same places as above.

3. A sufficiency of bateaux for the transportation on the several lakes should be also provided. As to transports on the coast of Maine for New Brunswick and Nova Scotia, the embargo by Congress will give enough to us.

4. Every effort should be made to obtain twelve months' volunteers under the last Act of Congress, instead of six months' militia or volunteers. The subject should be pressed to the governors and confidential militia officers.

5. A question of more doubtful nature here presents itself. Shall the troops which are to act this winter be embodied and

marched to the places from which the attacks are intended before Congress meets? I incline to that opinion, because, if we wait till then, it will be so late before the troops are collected that we must have altogether a winter campaign, which in such climate appears difficult, if at all practicable. The middle of November will decide the question. If we have peace, one or two millions of dollars thus expended will not be felt, and our readiness thus displayed will have a favorable effect on all our foreign relations. If we have war, and we shall have waited without doing this, the President will be charged with neglect, and the more so, as the law had not only authorized the embodying of the militia, but made a large appropriation for the expense.

6. Information of the most detailed nature, by writing to, or rather sending confidential officers, should be obtained on all the points relative to the intended operations, and particularly: 1. The actual British regular force at every post in every colony; the state of their discipline; the character of the commanders. 2. The militia force on which the British might count at each post and in each colony; the temper of the inhabitants; whether armed, &c. 3. The amount of this crop; of provisions generally to be obtained in either Canadas, New Brunswick, Nova Scotia. 4. The precise situation of every fort (particularly those to be attacked this winter); whether requiring regular approaches; in good repair; how garrisoned and supplied; also the situation of their magazines. 5. Particular maps or sketches on large scale, showing the roads now opened, adjacent population, natural obstacles, and other points connected with a military enterprise. This is particularly wanted for Upper Canada and New Brunswick. 6. Practicability and means of crossing Detroit and Niagara Rivers; whether, as it relates to those points, it will be necessary to wait until they are frozen, &c.

Observe, generally, that as General Dearborn will go to Kennebec, he may in person acquire the required information, and make the necessary arrangements so far as relates to Nova Scotia. But as to other points, must not a general superintendence be given in each to some officer?

Should not also the President select the officers who are to command, and a communication opened with them? If militia

officers, some steps should be taken with the governors, that good major-generals be selected. If it be intended that Congress should, as soon as they meet, authorize the appointment of general officers, should not the proper persons be immediately considered?

I think, also, that a complete view of the necessary regular establishment should be taken and digested before Congress meets. And if not prevented by the difficulty of recruiting, I think it should be commensurate to the amount of troops to be employed without the United States or in garrisons, relying on the militia for their proper service, defence when invaded, and reinforcement in case of disasters in the adjacent provinces. If recruiting is despaired of to the necessary amount, Congress must authorize twelve months' militia. They will not be equal to men longer disciplined, and will prove much more expensive; but will be far preferable to six months' men. Whether regular or militia, the aggregate will not, I think, fall short of the following, in which I include marines on shore and crews of gunboats:

Upper Canada and Indians,		2,000
New Orleans,		3,500
Charleston and Savannah,		2,000
Chesapeake,		2,500
New York,		2,000
Remainder of sea-coast,		2,000
		14,000
Lower Canada,	7,000	
Nova Scotia,	9,000	16,000
		30,000
Total constantly employed on shore and gunboats, 30,000 at $300,		$9,000,000
Navy,	$1,500,000	
Occasional militia,	1,000,000	
Ordnance, transport, &c.,		4,000,000
fortifications, &c.,	1,500,000	$13,000,000
Interest on public debt,	3,500,000	
All civil expenses,	1,500,000	5,000,000
		$18,000,000

Ways and means:	
Present impost, reduced by war to	$8,000,000
Additional duties and taxes,	2,500,000
Sales of land,	500,000
	$11,000,000
Annual loan,	7,000,000
	$18,000,000

In addition to which we must annually borrow as much as we are obliged to pay on the principal of the old debt.

GALLATIN TO MADISON.

NEW YORK, 15th August, 1807.

DEAR SIR,—I met in New Jersey Captain Crafts, of the Neptune, the vessel on board of which were Martin and Ware when met by the Melampus in the Gulf of Biscay. I obtained from him the enclosed letter, by which it appears that they were not impressed, but deserted from the Neptune to the Melampus at Plymouth.

Will it be of any use, if Captain Crafts happens to come here, to obtain his affidavit of the facts? He appears in conversation to be a very decent and intelligent man.

Yesterday brought us the news of the Russian defeat of the 14th June. We have nothing else here. The people of this city do not appear to me to be in favor of war, and they fear it so much, that they have persuaded themselves that there is no danger of that event.

Yours sincerely.

GALLATIN TO JEFFERSON.

NEW YORK, 26th August, 1807.

DEAR SIR,—You have, I presume, heard of the death of the commissioner of loans of Connecticut. I have not received any applications on the subject, but doubtless you have; and I will

only observe that it is an office which must be filled immediately, as, no deputy being allowed, everything is at a stand-still until a successor be appointed. If you have obtained sufficient information, it would be eligible that you should direct the Department of State to issue the commission on receipt of your letter, and to give it to my principal clerk, Ed. Jones, who will transmit it.

I have had nothing heretofore to communicate. The banks have been sounded on the subject of loans, and have generally answered favorably. Information has been collected and the opinion of the presidents of insurance companies confidentially taken respecting our trade beyond the Cape of Good Hope. The amount now out in that quarter is estimated at 15 or 20 millions, of which at least three-fifths are not expected till March next. It is agreed that no information can be given to the Calcutta vessels without creating an alarm which would increase the danger; and that the proper place to meet the Batavia and Canton vessels is Anger Point, in the Straits of Sunda, as there is not time to go to Canton. I have transmitted the whole to Mr. Smith, in order that he may give the proper instructions to the public vessel to be despatched. There is such variety of opinions here on the subject of fortifications, and those so much influenced by Federalism and local politics, that it is difficult to unite even our friends in favor of one rational plan. I think, however, that I have succeeded in defeating the extravagant and inefficient plan of defending the Narrows which the corporation (this year Federal) intended to promote, either on their own bottom or probably in order to raise a clamor against government. Colonel Williams was unfortunately drawn in to favor the plan, for which engineers, fond of displaying their talents, have some predilections. I will also, I hope, be able to collect such correct information respecting the channels and soundings as may enable us to judge whether anything rational is practicable, and I doubt not the ultimate concurrence of all our friends here in what you may, in case of an additional appropriation, decide upon, [the banks?] agreeing to lend the money, if wanted, so [as not] to interfere with our general arrangements.

Should any information reach you tending to alter or confirm

our opinions of the result of our demands for reparation, I will thank you to communicate it early, as it may affect the Treasury operations, particularly in relation to the purchases of public debt.

Respectfully, and with sincere attachment, your obedient servant.

MADISON TO GALLATIN.

ORANGE COURT-HOUSE, August 26, 1807.

DEAR SIR,—Your favor of the 15th, enclosing a letter from Captain Crafts, came duly to hand. I think it will be proper to have the statement in the latter authenticated, and beg you to have it done should the opportunity offer. We ought to possess, and, when proper, to exhibit the real facts of the case at issue with Great Britain; leaving the impartial to appreciate the influence on its merits, from the circumstance that the seamen who escaped from the Melampus and entered in the Chesapeake had been received into the former as deserters, not placed there by impressment.

I have received not a line since I saw you from our ministers at London, Paris, or Madrid. The accounts from Norfolk are not interesting. From Richmond you hear all through the press. The country news consists of the ravages made by the late deluges of rain. Almost all the mill-dams have been swept away, with all the wheat and hay in low situations. The loss of wheat has been very great on the flats bordering on the large streams, almost the entire harvest being at the time in small field-cocks. Even in the stacks it has suffered from the rain driven into them; whilst the field-cocks on the highest situations will lose from that cause not less than a third on the average.

Yours very sincerely.

GALLATIN TO JEFFERSON.

NEW YORK, September 2, 1807.

DEAR SIR,—I do not know one person in Connecticut to whom I could apply for information respecting Jonathan Bull, who is recommended for the office of commissioner of loans. But I recollect that at an early period of your Administration it was the wish of a number of Republicans in that State that he should have that office; nor was there any other objection but a disinclination to depart by a general removal from the principles of the answer to the New Haven petition. I think that he may be safely appointed; I mentioned before that a vacancy prevented any business being done; and if before the meeting of Congress it shall be discovered that the appointment was improper, you may rectify the mistake in your nomination to the Senate.

Some months ago, the delinquency of —— Cuttler, collector of Snowhill (Maryland), was officially stated to you, and you directed that he should be removed as soon as a proper successor could be found. Disappointed in my inquiries, I requested Mr. Duval to write to the most conspicuous Republicans of the county. The answer of Judge Polk, recommending Josiah Hubbell, is enclosed; and Mr. Duval assures that full confidence may be placed in it. Cuttler's sureties having lately applied for his removal, renders the speedy appointment of a successor necessary. Should you direct a commission to be issued, the style of office is "Collector of the District of Snowhill, and Inspector of the Revenue for the Port of Snowhill."

You will have seen by the papers of this city the report of the corporation on the subject of fortifications, or rather obstructions, which is perfectly agreeable to the plan on which we had conversed, and is approved by the Vice-President, and by the governor of the State, as well as by General Wilkinson and Captain Chauncy. The report has been adopted, and the corporation is now acting upon it. I believe the plan will not be expensive and will prove efficient; and it is, at all events, eligible that it should have originated with the city council, specially considering their politics.

Mr. Robert Smith informed me that he had declined sending a vessel to give notice to our China trade, principally for want of funds. As there was with the insurers but one opinion on the subject, and I felt satisfied that you approved the plan, and that, in case of disaster happening there from want of information, much blame would, and not altogether without foundation, attach to the Administration, I wrote to him that I would, if he assented, direct the collector of Baltimore to make the necessary advances, relying on the sanction of Congress if our existing appropriations were not sufficient, and leaving it to future discussion whether the expense should be charged to the Navy or Diplomatic Department. I was the more decided in my opinion from the consideration that if, in this instance, we pleaded want of funds as an apology for having omitted any proper measure, it would be replied that Congress ought then to have been called at an earlier period.

I have not yet received his answer.

With respect and sincere attachment, your obedient servant.

JEFFERSON TO GALLATIN.

October 17, 1807.

Th. J. to Mr. Gallatin.

If you could call on me conveniently this forenoon, Mr. Smith will meet you here with an entire readiness to modify his estimate to our mutual liking. I am not familiar enough with the subject to explain to him the alteration desired. Give me a few moments' notice, that I may get him here. Affectionate salutations.

JEFFERSON TO GALLATIN.

October 21, 1807.

Th. J. to Mr. Gallatin.

I enclose you the form in which I would wish to place the financial paragraph, with blanks which I must ask you to fill

up; also the sequel, which is to conclude the message, for your correction. And I must ask the return of the former part, as it is still to be communicated to Mr. Rodney for his observations, and then will be to be modified and four copies made according to the several amendments which will be proposed. The arrival of the Constitution and Wasp at Boston, where they are awaiting orders, renders it necessary they should be forwarded to-day; and as it is a leading question, if you can call here as soon as you arrive at your office (giving me a few minutes' previous notice), I will ask the attendance of the other gentlemen for a few moments to decide this single question.

GALLATIN TO JEFFERSON.

21st October, 1807.

DEAR SIR,—I have kept your message longer than usual, because my objections being less to details than to its general spirit, I was at a loss what alterations to submit to your consideration.

Instead of being written in the style of the proclamation, which has been almost universally approved at home and abroad, the message appears to me to be rather in the shape of a manifesto issued against Great Britain on the eve of a war, than such as the existing undecided state of affairs seems to require. It may either be construed into a belief that justice will be denied,—a result not to be anticipated in an official communication,—or it may be distorted into an eagerness of seeing matters brought to issue by an appeal to arms. Although it be almost certain that the expected answer will decide the question, yet unforeseen circumstances may protract its discussion; or the British government may, without acceding precisely to your ultimatum, take some new admissible ground which will require your sanction and delay the final arrangement. So long as any hope, however weak, remains of an honorable settlement, it is desirable that no act of the Executive may, by widening the breach, or unnecessarily hurting the pride of Britain, have a tendency to defeat it. Unless, therefore, some useful and im-

portant object can be obtained by the message in its present form, I would wish its general color and expression to be softened; nothing inserted but what is necessary for assisting Congress in their first deliberations, and to account for their early meeting; no recapitulation of former outrages further than as connected with the unratified treaty; no expression of a belief that war is highly probable, which seems either to presuppose absolute injustice on the part of Great Britain, or to acknowledge high pretensions on ours. For, unless some important object be in view, those may do harm, and cannot be productive of any substantial benefit. If the object be to urge Congress to make the necessary preparations for war, this may be attained by a direct and strong recommendation, founded not on the probability but on the uncertainty of the issue. If it be to incite them to a speedy declaration of war, this also seems premature, and may as effectually be done at its proper time when the answer of the British government will be communicated. It may be added that recommendations or incitements to war should not, under our Constitution, be given by the Executive without much caution; and, above all, that the precise manner and time of acting which Congress should adopt are subjects which have not yet been sufficiently examined. That the choice of the manner will not probably be left to us is true. That Great Britain will prefer actual war to any system of retaliation short of war which we might select, I do believe. Yet how far it may be proper to leave the choice to her deserves, at least, consideration. Public opinion abroad is to us highly valuable; at home it is indispensable. We will be universally justified in the eyes of the world, and unanimously supported by the nation, if the ground of war be England's refusal to disavow or to make satisfaction for the outrage on the Chesapeake. But I am confident that we will meet with a most formidable opposition should England do that and we should still declare war because she refuses to make the proposed arrangement respecting seamen. It is in that case that measures short of war may become proper, leaving to England, if she chooses, the odium of commencing an actual war. But although that policy may be questionable, and decisive measures, even under

that contingency, be thought preferable, the question of time requires most serious consideration. Under an impression that this month would decide the question of war or peace, it was thought prudent to contemplate (rather than to prepare) immediate offensive operations. To strike a blow the moment war is begun is doubtless important; but it does not follow that war ought to be commenced at this very moment. So far as relates to Canada, it may as easily, and, considering the state of our preparations, I might say more easily be invaded and conquered in winter, or even early in the spring, than this autumn. European reinforcements cannot in the spring reach Montreal, much less Upper Canada, before they shall have been occupied by us. Quebec will certainly be reinforced before the season shall permit regular approaches. No advantage, therefore, will result in that respect from an immediate attack; no inconvenience from the declaration of war being somewhat delayed. In every other respect it is our interest that actual war should not be commenced by England this autumn; and as for the same reason it is her interest to commence it if she thinks it ultimately unavoidable, I wish not only that we may not declare it instantaneously, but that she and her government and her officers in America may, until the decision takes place, still consider the result as uncertain. The operations of war on the part of Great Britain will consist in the capture of our vessels, attacks on our most exposed seaports, and defence of Canada. On our part, unable either to protect our commerce or to meet their fleets, our offensive operations must, by sea, be confined to privateers; we must as far as practicable draw in those vessels we cannot defend; place our ports in a situation to repel mere naval aggressions; organize our militia for occasional defence; raise troops or volunteers for permanent garrisons or attack. Those essential preparations are in some points hardly commenced, in every respect incomplete; our China and East India trade to an immense amount yet out; no men raised; and, indeed, nothing more was practicable beyond a draft of militia; but whatever relates to its better selection or organization, or to the raising of regulars or volunteers, wanting the authorization of Congress, and requiring time for executing; the batteries contemplated at New York not yet commenced; not

even a temporary rampart in any part of the city; and hardly a cannon mounted on Governor's Island. How far the works of the two other seaports, mentioned in the message as particularly exposed, have progressed, I do not know. Further appropriations stated to be necessary for the contemplated batteries of every other harbor. It seems essentially necessary that we should, if we are permitted, provide such rational and practicable means of defence as we think may be effected within a short time, before we precipitate the war. Is it not probable that England will, if she presumes that her answer may lead to a war, immediately despatch a few ships with contingent orders? And if Congress were to declare war in November, what would prevent their naval force here, even if not reinforced, to lay New York under contribution before winter? Great would be the disgrace attaching to such a disaster. The Executive would be particularly liable to censure for having urged immediate war whilst so unprepared against attack; nor need I say that as a prosperous Administration is almost invulnerable, adverse events will invariably destroy its popularity. Let it be added that, independently of immense loss to individuals, three millions at least of next year's revenue rest on bonds due by the merchants of that city.

In every view of the subject I feel strongly impressed with the propriety of preparing to the utmost for war, and carrying it with vigor, if it cannot be honorably avoided; but in the mean while persevering in that caution of language and action which may give us some more time and is best calculated to preserve the remaining chance of peace and most consistent with the general system of your Administration. As to any particular alterations in that part of the message, although I do not feel equal to proposing proper substitutes, a sketch is enclosed, intended rather to show those parts which I think most objectionable, than the best manner in which they might be amended.

ALTERATIONS PROPOSED.

First paragraph.—Strike out from "*and the moment*" in 7th line to the word "*place*" in the last line of first page, and insert in substance, "The many injuries and depredations under which

our commerce and navigation have been affected on the high seas for years past; the successive innovations on those rules of public law established by the reason and usage of nations; all the circumstances which preceded the [induced an] extraordinary mission to England, are already known to you."

I will observe on this part of the message that Pierce's murder was in no ways the cause of the extraordinary mission. Mr. Pinkney's nomination took place whilst Congress was in session; Pierce was killed immediately after the adjournment. Nay, King's conduct on that occasion has by some been ascribed to his disappointment at Pinkney's being selected instead of himself.

The next sentence, ending at the word *inadmissible*, in 6th line of second page, and which gives the history of the negotiation, does not seem full enough. I would introduce the idea that the efforts of our ministers were applied to the framing of an arrangement which might embrace and settle all the points in dispute, and also provide for a commercial intercourse on conditions of some equality. I would also modify the declaration of the inadmissibility of the instrument by saying that, although it had provided in a manner if not altogether satisfactory yet admissible for some of the points in dispute, it had left one most likely to perpetuate collisions altogether unprovided for, and that in other respects it was inadmissible. Such modification is recommended by a desire not to appear to abandon the arrangement respecting the colonial trade, or that of equalization of duties, and also with a view to the opposition party in England, on which it is not our interest to bear too hard, lest they should also unite against us.

Same paragraph.—Instead of the sentences, "*On this outrage, &c.*, and *its character has been, &c.*," I would prefer saying simply, "*On this outrage no commentaries are necessary.*"

Second paragraph.—I would rather omit altogether this paragraph. The continuation of aggression, being the act of the same officers, may fairly be considered as part of the same act; nor do I think a recommendation to exclude ships of war from our ports opportunely introduced, at a moment when the question is war or peace. But if the paragraph be preserved, I would omit what relates to demands of additional reparation, which more than any

other part of the message seems to indicate a determination not to arrange amicably the disputes with Great Britain.

Third paragraph.—I would also rather omit, under existing circumstances, this paragraph. If preserved, I would strike out from the commencement to *overlooked*, in the 4th line of the paragraph, and insert, "*Another new violation of maritime rights of great magnitude has in the mean while taken place. The government of that nation, &c.*" And to the end of the paragraph I would add that that order was predicated on a supposed construction of Bonaparte's decree, which had been disavowed and not acted upon by the French government. If that be not inserted here, it should, I think, be alluded to in the fifth paragraph, and a copy of the decree and explanations be sent, stating that although some expressions in the decree had at first caused alarm, yet as its operation, both by their declarations and practice, was confined to ports within their own jurisdiction, and neither affected maritime rights nor contravened our treaty, it could not, though in its effects curtailing our commerce, be complained of as hostile.

It seems to me that the 9th and 10th and particularly the 11th and 12th paragraphs should immediately follow the 3d, or perhaps the 1st. The two last, 11 and 12, relate to the measures adopted by the Executive in consequence of the outrage on the Chesapeake. That, however, is only a question of arrangement.

Fourth paragraph.—The expression, "may without further delay be expected to be brought to an issue of some sort," seems to go farther than Mr. Armstrong's communications justify. I would rather say, "*and an expectation is entertained that they may soon be brought, &c.*"

Same paragraph.—I would strike out the last words, "during the *short* period now to intervene before an answer *which shall decide our course*," and simply say that "no new collisions, &c., had taken place, or seem *at present* to be apprehended."

Ninth paragraph.—I perceive by General Dearborn's statement that appropriations are wanted not only for other ports, but also, to a considerable amount, for New York, Charleston, and New Orleans. The idea should therefore be introduced; and I would add something stronger in the shape of recommendation for that object generally.

Eleventh paragraph.—*Quere*, whether the contracts entered into by the Navy Department do not embrace other objects than those here stated? and also whether a greater expense than was appropriated has not been incurred for men on the Mississippi and elsewhere? At least, Mr. Smith states that he has no money to pay off the Constitution; and he ought to have enough to pay the whole navy to the end of the year.

Twelfth paragraph.—I think that there should be here some additional recommendation generally to provide for the worst,—in case of unfavorable issue,—particularly to hint at the necessity of better organization of militia, volunteers, &c.

Thirteenth paragraph.—I regret that part of what [was] first intended, particularly as to the effect of late decision on the trial by jury, has been suppressed. But *quere*, how far it may be proper to go whilst Marshall's decision on the pending motion is not known?

I think that the fourteenth or financial paragraph should precede this.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 21st October, 1807.

DEAR SIR,—I received this moment, at my house, your note of this morning. The perpetual interruptions of the office and my want of eyes at night induce me to remain here to-day for the purpose of finishing my remarks on your message. They are just done, and I send them with this. I regret that my not being at the office should have disappointed you. May not the orders for the Constitution be delayed till to-morrow? My impression, however, is that she should be disarmed, but not sent round to the Chesapeake. Her best station would, I think, for many reasons, be New York. But I have not heard any reasons for or against her staying or going anywhere. Mr. Smith says that he has no money to pay her, and wants me to induce the bank to advance the money.

This, for many reasons, and, amongst others, on account of the immediate meeting of Congress, appears inadmissible.

I will try to return the financial and last paragraphs this evening.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT TREASURY, 21st October, 1807.

DEAR SIR,—I return the financial paragraph and conclusion of the message. The blanks I will supply on Monday morning; but as it will be only an approximation, the paragraph should state that all the accounts not being yet received, a correct statement will be transmitted by the Treasury; but that in the mean while it is ascertained that the receipts have *exceeded* ——— millions, which, &c., have enabled us to pay about ——— millions of the principal, omitting altogether mention of interest, unless by introducing after *current demands* the words, "including the annual interest on the debt," in 8th line. I do not remember whether, in previous messages, *funded debt* has been the expression. There also, after debt, should be introduced *nearly* or *more than*, according to the result which I will furnish. The remainder of the message is, in my opinion, unexceptionable; indeed, it is precisely in that spirit which I have taken the liberty to advise.

Respectfully, your obedient servant.

JEFFERSON TO GALLATIN.

Saturday, October 24, 1807.

Th. J. to Mr. Gallatin.

I am closely confined by the run of visits from the members; can you therefore do me the favor to call on me this forenoon, to consult about the estimate you enclosed me yesterday, which gives me much uneasiness?

JEFFERSON TO GALLATIN.

November 4, 1807.

Th. J. to Mr. Gallatin.

As it will be necessary to decide how this question of the Batture is to be settled, we must of course take the trouble of understanding it. I therefore send you a very able opinion of Derbigny's, to be returned, when read, to Mr. Rodney. Happening to have the Encyclopædia which he quotes, I have turned to it, and find it able and satisfactory. Mr. Rodney is in possession of the opinion of the court assigning their reasons.

JEFFERSON TO GALLATIN.

November 5, 1807.

Th. J. to Mr. Gallatin.

I return you the report with great approbation.[1] One or two verbal changes, and, in one place, the striking out two or three lines, not affecting the sense, are all I have to suggest. The erasure is to avoid the producing an odious idea, which a few days now may show to be unnecessary, and which, even if war takes place, may not be necessary. In the mean time the Federalists would have the benefit of a triumph, proclaiming that we contemplate to do ourselves exactly what they did and we then so much opposed. The report stands certainly as well without the passage.

JEFFERSON TO GALLATIN.

November 25, 1807.

Th. J. to Mr. Gallatin.

It seems, I think, that a pardon may be justly expected in the enclosed case. But the practice we have followed is a sound

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[1] The Report of the Secretary of the Treasury to Congress, dated 5 Nov., 1807. See State Papers.

one,—to let the matter go to a jury, that facts may be proved and disclosed; and after that only, to determine the question of pardon. The practice of *nolle prosequi* is to be avoided but in extraordinary cases. I once agreed to one in a case of manslaughter by surprise, and of which I have repented ever since. I will thank you for your opinion on this matter. Affectionate salutations.

GALLATIN TO JEFFERSON.

DEPARTMENT OF TREASURY, 2d December, 1807.

DEAR SIR,—Supposing that the power to lay embargoes should be considered as improper to be vested in the President during the session of Congress, how would this plan answer?

To repeal the present Non-Importation Act, and in lieu thereof to pass a general non-importation Act (from Great Britain), to take place, say on 1st February next. This is thrown out for consideration, and may be liable to other objections, but might pass the House with more facility than the other plan.

Respectfully, your obedient servant.

JEFFERSON TO GALLATIN.

December 8, 1807.

Th. J. to Mr. Gallatin.

Your proposition of yesterday has some good phases and merits consideration. I have only seen Mr. Madison as yet, who objects to it. Another proposition which may be considered is the continuing the suspension of the present law, by an Act of Congress, till the last day of the session. Affectionate salutations.

What is *good* in this case cannot be effected; we have, therefore, only to find out what will be *least bad.*

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 18th December, 1807.

DEAR SIR,—Reflecting on the proposed embargo and all its bearings, I think it essential that foreign vessels may be excepted, so far at least as to be permitted to depart in ballast, or with such cargoes as they may have on board at this moment. They are so few as to be no object to us; and we may thereby prevent a similar detention of our vessels abroad, or at least a pretence for it. Such a seizure of our property and seamen in foreign ports would be far greater than any possible loss at sea for six months to come. I wish to know the name of the member to whom Mr. Rodney sent the sketch of a resolution, in order to mention the subject to him, and also, if you approve, that you would suggest it to such as you may see. I also think that an embargo for a limited time will at this moment be preferable in itself, and less objectionable in Congress. In every point of view, privations, sufferings, revenue, effect on the enemy, politics at home, &c., I prefer war to a permanent embargo.

Governmental prohibitions do always more mischief than had been calculated; and it is not without much hesitation that a statesman should hazard to regulate the concerns of individuals as if he could do it better than themselves.

The measure being of a doubtful policy, and hastily adopted on the first view of our foreign intelligence, I think that we had better recommend it with modifications, and, at first, for such a limited time as will afford us all time for reconsideration and, if we think proper, for an alteration in our course without appearing to retract. As to the hope that it may have an effect on the negotiation with Mr. Rose, or induce England to treat us better, I think it entirely groundless.

Respectfully, your obedient servant.

JEFFERSON TO GALLATIN.

December 18, 1807.

Th. J. to Mr. Gallatin.

Monroe will be here on Sunday; he will bring us no new information, as far as can be judged from his letter; but on the subject of the proclamation, should the message wait for him? I will keep it back till half after ten o'clock for your opinion, either written or verbal. Affectionate salutations.

I have just received your note, and am clearly for the exception; but come here before half after ten, and let us be together before the message goes out of our hands.

JEFFERSON TO GALLATIN.

January 14, 1808.

Th. Jefferson to Mr. Gallatin.

I return you Towers's application, and send you a similar one from a Mr. Stewart. The idea of our having a power to give special permits getting abroad will overwhelm us with applications. Would it not be better to give notice in the papers that the exception in the law as to vessels under the direction of the President is considered as going to such vessels only as are necessary for the correspondence of the government with its agents abroad, or with foreign nations? Foronda is about sending a vessel to the Havana, Vera Cruz, &c. We have not decided on sending packets to that place, but, as a meeting will be necessary in two or three days on the surplus of seamen now in actual service, we will then consider that of packets generally. Affectionate salutations.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 12th February, 1808.

DEAR SIR,—The President was authorized *to cause to be opened a road or roads through the territory lately ceded by the Indians to the United States from the river Mississippi to the Ohio, and to the former Indian boundary-line established by the Treaty of Greenville,* by the 7th Section of an Act entitled "An Act to regulate and fix the compensation of clerks and to authorize the laying out certain public roads, and for other purposes," passed 21st April, 1806, Sec. 8th, vol. of Laws, page 129. Under that authority two roads have been laid out, one from St. Louis, or rather Kaskaskia, through Vincennes to the Indian line in the direction of Cincinnati, and the other from Vincennes to the falls of the Ohio. I have not received official information that contracts had yet been made for the opening of either. They are only surveyed and laid out. As you are reporting on the Cumberland Road, and the commissioners have not extended yet the location of the road more than 7 or 8 miles beyond Brownsville, would it not be best to report that you have confirmed only so much of the road as extends from Cumberland to Brownsville, and made contracts for opening the same? The idea is suggested because by the terms of the Act it seems premature for the President to confirm any part of the road the location of which is not completed; because the ferment excited in the Pennsylvania Legislature on that particular portion of the road would be allayed by seeing that the President wishes the ground recommended by the Legislature to be fully examined before he forms a conclusive opinion; and because, as it relates to the general course of the road and of its extension towards St. Louis, I really believe that striking Charleston instead of Wheeling, though farther north than is desirable, would not lengthen the whole distance more than one or two miles. Considering the completion of that road across our mountains in the manner contemplated as a national object of great importance (particularly as a bond of union), I think it more useful to remove local and State opposition than to adhere too strictly to first, though correct, impressions.

Respectfully, your obedient servant.

JEFFERSON TO GALLATIN.

February 13, 1808.

Th. J. to Mr. Gallatin.

I send you Mr. Brown's papers respecting the public property in New Orleans. I see nothing in them which is proper to lay before Congress until the commissioners shall have decided in whom the property is. When we shall have a list of what is really ours, Congress may be applied to to say what shall be done with it. After giving to the city what may be proper, and appropriating to their proper uses the buildings, &c., we should wish to occupy, I should think it best to lease the residue on ground-rents, which may keep our buildings, levees, &c., in perpetual repair. The ground-rents to be one-twentieth or $\frac{1}{20}$ of the value; to be revalued every twenty years. Have you Governor Claiborne's statement of this property, which I enclosed to Mr. Madison for circulation? I suppose we need not move in the Batture until the agent comes on. Affectionate salutations.

JEFFERSON TO GALLATIN.

[18th February, 1808.]

General Dearborn's plan for raising 6000 regulars and 24,000 minute-men or volunteers is submitted to the heads of Departments with a request of their opinions for or against it, and of any alterations they might suppose advantageous, and with as little delay as possible, because the House were to take up this day the bill into which this is to be ingrafted.

GALLATIN TO JEFFERSON.

February 18, 1808.

I think the number of men proposed sufficient *for the present*, it being understood that before Congress adjourns the propriety of a greater increase may be considered.

Of the organization and details I am not a judge; but I would suggest:

1. That if we have only brigadiers, and any body of regulars be called into service with militia, the command will devolve on any militia major-general whom the State executive may select.

2. That in relation to minute-men, it would be eligible, if otherwise practicable, that their services might be commanded not only for an adjoining State or Territory, but also for an adjoining colony or province belonging to a foreign power.

As early an estimate of the expense (*annual*, and specially for this year, taking in the gradual recruiting) as possible is desirable.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 27th February, 1808.

DEAR SIR,—It seems that fourteen American vessels, which had entered last summer in Amsterdam as coming from America, and with cargoes not of British growth, have been detained under suspicion of having in fact come from England with English cargoes. The clearances have been sent to Heinicken, the Dutch consul, in order to ascertain the fact. Four of the vessels having thus entered as if coming from New York, and with clearances apparently signed by the officers of that port, Heinicken writes to Mr. Gelston asking for the information and enclosing copies of the clearances. These are evidently forgeries intended to evade the French and Dutch regulations. For of the four vessels which had entered with such supposed New York papers, three had never been in that port, and the fourth, instead of clearing for Amsterdam with a cargo of sugar, as stated in the forged paper, had actually cleared for Liverpool with cotton, flour, and lumber. It is therefore clear that she landed her cargo in Liverpool, took there a cargo of sugar, and, having forged a new clearance and a set of other documents in order to show that the sugar was not British, proceeded to Amsterdam, where she is detained. I had before heard some vague reports of those

transactions, and also a suggestion that the harsh interpretation put by Bonaparte, on his return from Poland, on his decree of November, 1806, was owing to his being made acquainted with the fraud. It is very possible that the three vessels may have been indeed British vessels sailing under American flags; for, as they had never been in New York, they must have forged not only the clearances, but also the sea-letters and other documents.

Mr. Gelston now inquires whether he shall give to Heinicken the information required. It will certainly seal the condemnation of the vessels; and he doubts whether we are bound to assist in carrying the French and Holland decrees into effect. The paper *A* is the copy of the true clearance under which the *Jane* sailed from New York, and is sent to me by Mr. Gelston. The paper *B* 4 is a copy of the forged clearance under which she entered Amsterdam, and the papers *B* 5, 6, *and* 7 are copies of the three other forged documents, intended to show that the sugar she had taken on board at Liverpool had been imported into the United States from French, Spanish, and Danish ports. Those four papers, B 4, 5, 6, 7, were enclosed to Mr. Gelston by Heinicken. The forged clearances and documents of the three other vessels, being similar to that of the *Jane*, have not been sent by Mr. Gelston.

There being *fourteen vessels* in that situation, and Heinicken having sent to Mr. Gelston the papers of four only, I presume that the other ten had entered Amsterdam as coming from other American ports, and that Heinicken has made a similar application to the collectors of those ports respectively from which they pretended to have cleared. The question is respectfully submitted for your consideration.

With great respect, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT OF TREASURY, February 29, 1808.

DEAR SIR,—I have given the directions to Mr. Gelston on the subject of the fraudulent papers used at Amsterdam. But

I do not think that at this moment anything more, either by way of publication or message, would be expedient. Brown, the New Orleans collector, writes that he had cleared 42 vessels since the embargo was known, because he had no copy of the law. A packet from New York had brought the intelligence, and the latest letters received from Washington were of the 14th December. The embargo passed 22d December, and he writes on 28th January. I have written to him that the general knowledge of an embargo was sufficient to have made it his duty at least to refuse clearances; and that he must enforce the penalties against the owners of every vessel that sailed with knowledge of the first law. I presume that some flour was thus exported to Havana; but principally cotton to Liverpool. I think, however, that in his 42 vessels he includes coasting vessels. It appears from the enclosed paper, under the head *Communication*, that we have no district attorney in East Tennessee. I cannot obtain a copy of the supplementary Non-Importation Act. They say that they (in the office of the Secretary of State) have not got it.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 2d March, 1808.

DEAR SIR,—I think that Congress might now decide whether they will give to the corporation the right of the United States, 1st, to the Batture; 2d, to the fortifications and ground contained between them and the houses; 3d, to the levy and ground contained between it and the houses. If they give the Batture, it may be done without any restrictions; but if they give either of the other portions of ground, which are extremely valuable, it must be under conditions, 1st, that the custom-house lot shall be reserved for the United States; 2d, that no other buildings shall be erected in front of the city; 3d, perhaps that the President should reserve what may be necessary for public use. Congress may also authorize the President to sell such lots, not disputed, as he

may think proper. But would it not be best to confine ourselves for the present to the Batture, and to wait for the report of the commissioners? I have received a duplicate of all the papers which you sent this morning, the petition respecting the marine hospital excepted.

If you do not choose to send a special message, I may send the papers (excepting the petitions to yourself) to the land committee, of which Boyle is chairman; and they may act as they think proper.

I do not like much the idea of creating a special court for deciding the question of the Batture. If we give our right to the corporation, they may afterwards fight it with the courts as they please.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 10th March, 1808.

DEAR SIR,—An Act to extend the terms of credit on certain revenue bonds, which passed both Houses nine days ago, should be sent immediately to the collectors. But on application to the office of Secretary of State, it was answered that it had not yet been deposited there. I wish also to have the new supplementary Embargo Act as soon as it is signed. It would save time if it was sent to me to be transcribed for the printer before it is deposited in the State Department.

On reading Baldwin's letter respecting the supposed movements of Burr, it strikes me that the first step should be to inquire at Amboy respecting Arnauts generally, the vessel said to be commanded by one of them, in which B. is said to have sailed, or any other vessel which may have sailed for Orleans since the 1st of January. (The Orleans files of papers to be also examined, to see the arrival of any vessel commanded by Arnaut.) We have there a collector, named Manning, the only Republican of note in the vicinity. I presume from his recommendations that he may be trusted as far as relates to general or official inquiries.

If anything further be wanted, particularly if it shall be found that John B. Arnaut has a house there, a special agent may be sent. If they can be legally obtained from their chimney recess, it would be important to get the papers. The next step would be to communicate to Claiborne, and perhaps to our register, Thompson, who is the colonel of militia in Opelousas. But the mail is very slow and not very safe. I presume that a writ may be obtained from Ohio grounded on the indictment, by which Burr may be arrested anywhere and brought back to trial.

Respectfully, your obedient servant.

JEFFERSON TO GALLATIN.

March 11, 1808.

Th. J. to Mr. Gallatin.

The Act concerning revenue bonds was presented to me the night before last, signed yesterday, and will be deposited to-day. After an Act is passed, the clerk enrolls, and the committee examine and report it at their leisure. They then keep them till they have others, so as to make one job only of the presenting them to me. Those delays occasion often a considerable interval between the passage of a law and the depositing it in the Secretary of State's office. The amendatory embargo law is not come to me. I propose a consultation whether we should not give notice to the merchants that on a certain day they may despatch a vessel in ballast to La Vera Cruz, another to Laguayra, &c., to bring home their property, and that no other will ever be permitted afterwards. Whether we might send a sloop of war to bring their cash may be a question. Affectionate salutations.

JEFFERSON TO GALLATIN.

March 11, 1808.

Th. J. to Mr. Gallatin.

I have this moment received the embargo law, but I do not sign it till I have returned it to the committee to correct three errors of enrolment, one of which is material. This I can put off to to-morrow morning. In the mean time you can have it copied as if signed and dated to-morrow, March 12; only be so good as to let me have it again this evening or to-morrow morning.

JEFFERSON TO GALLATIN.

March 13, 1808.

Th. J. to Mr. Gallatin.

There have been several appointments of marshal to North Carolina, all of whom have refused to accept. West has acted till lately, merely to give us time to procure one, and he has recommended a man about whom Mr. Macon and Turner have written and will get an answer in a fortnight. In the mean time an addition of 400 D. to their emoluments may induce acceptance. Peppin's application appears unauthorized, but may he not go in some of the vessels going for property to some other port? I received many petitions yesterday, all proposing to send their own vessels. I imagine they will come in bales every day. I understand there is scarcely a merchant in the United States who has not property somewhere beyond sea. We must have a consultation soon on this subject, and another very important one. Affectionate salutations.

GALLATIN TO JEFFERSON.

Treasury Department, March 16, 1808.

Dear Sir,—The 7th Section of the Embargo Act seems to require the adoption of some general rule for its execution.

The President *is authorized* to grant permission, &c., if *he shall be satisfied* by the proofs exhibited that the parties had *property of value* in any port, &c.

Three questions arise on that section:

1. Are the words *is authorized* imperative? or do they leave a discretion even in those cases where the President is satisfied that the parties had property abroad? If the words be imperative, the President has no discretion in that respect, and must grant permission, provided he is satisfied of the other fact. If they are not imperative, and leave a discretion, what principles shall be adopted in refusing or granting permission?

I incline to the opinion that the words are imperative.

2. What proofs shall satisfy the President that the property is abroad as stated? The words are: "statement or account current on oath, or such other proof as the nature of the case will admit *or* the President may require." From those expressions it seems that the President has full power to decide on the species of proof. Can any general rule be adopted, or shall each case stand on its own ground? I will only observe that if in a single instance we admit the statement of the party on his own oath, without any other proof, it must be admitted in all cases, as it would be invidious to discriminate between characters.

3. Property of value. To what sum shall this be fixed? I think that the only rule will be to grant permission for tonnage in proportion to the value and nature of such property. Thus, if a man has ten thousand (10,000) dollars, which can be remitted only in rum, he may be allowed a vessel of such tonnage as would carry 10,000 dollars' worth of rum. Several men having property in the same place may unite when the property of each would not be sufficient to load a vessel.

But on that point the question may arise, whether we will permit the importation of *any* articles in payment of the property abroad. I think that we cannot, as the law now stands, refuse it. Yet the effect on the embargo system will be very different, according to the principle adopted on that point. Thus, it has been stated that Jamaica owes at this moment 2,000,000 dollars to New York alone. But suppose it to be only one million.

Three or four fast sailing vessels would be sufficient to bring that property in specie; but supposing it to be brought half in sugar and half in rum, it would require seven or eight thousand tons of shipping, or about 40 ships of 200 tons. You have mentioned that you wanted a consultation on the subject, and I have thrown those hints for the purpose of previously bringing the questions before you. As we are oppressed with applications, it is desirable that you should form a determination as soon as possible.

The remainder of the section consists of provisos, which may be executed by the collectors. The act and copy of a circular are enclosed.

Respectfully, your obedient servant.

JEFFERSON TO GALLATIN.

March 30, 1808.

A bill supplementary to the several Acts for laying an embargo on vessels, &c.

For vessels coming down rivers, &c.—Be it enacted, &c., that it shall not be lawful for any vessel laden with provisions or lumber to pass by or depart from any port of entry of the United States without examination and a special license from the collector of the customs of such port; nor shall any vessel be so laden on any part of the coasts or shores of the United States without the limits of any port of entry until previously examined by some person authorized by the nearest collector of the customs, and a special license from the said collector to be so laden, and to depart according to her lawful destination, on pain of incurring the same penalties and forfeitures as if the said lading had been exported contrary to the tenor of the Acts for laying an embargo, &c. And it shall be lawful for all officers of the revenue and of the armed vessels of the United States to bring to and examine all vessels suspected to be laden with provisions or lumber, and to have departed, or to be about to depart, without having obtained such license, and on examination and probable

grounds to seize and place the same under a due course of legal inquiry.

For Passamaquoddy and St. Mary's, and the secret coves and inlets of the coast.—And be it further enacted, &c., that wheresoever, in any port or on the coasts or shores of the United States elsewhere, a collection of provisions or of lumber shall be made or making which is suspected to be intended for exportation contrary to the provisions of the said laws for laying an embargo, it shall be lawful for the collector of the same port, or of the nearest port, by any agent to be appointed by him, to have the same deposited, if provisions, in warehouses to be approved by him, and to be duly secured by lock, the key of which shall remain with such agent; or if lumber, then to be placed under a sufficient guard by day and night, the expense of which shall be paid by the owner of such lumber, or be levied by sale of a sufficient part thereof; and not to permit the said provisions or lumber to be removed but to such other places, and on such conditions, as shall in his judgment sufficiently guard against their being exported contrary to the provisions of the said Acts. And the said collectors and agents shall in all cases within the purview of this Act be governed by such regulations as shall be prescribed by the Secretary of the Treasury, with the approbation of the President of the United States, in all matters of detail necessary for preventing the evasion of this law and for carrying the same into effectual execution.

Th. J. to Mr. Gallatin.

The above is a very imperfect sketch (for I am not in a condition to think attentively) of what your better knowledge of the subject will enable you [to] prepare for preventing the evasions of the law at Passamaquoddy, St. Mary's, and everywhere else as to provisions and lumber. If you will prepare something on these or any other ideas you like better, Mr. Eppes will give them to Mr. Newton (or you can enclose them to him yourself), and he will push them through the House. Affectionate salutations.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 1st April, 1808.

DEAR SIR,—I do not believe that any principle short of that proposed in the bill I have sketched will cut off the evasions at Passamaquoddy.

No consideration, however, should induce us to propose a measure not strictly constitutional. But although the objection has been made, it does not appear to me that that provision is liable to it. By the Constitution, no preference is to be given to the ports of one State above those of another State. But it does not prohibit giving a preference to some ports of one State above others in the same State. And Congress has in their system of laws perpetually acted on that principle. Thus, some ports are only ports of delivery, where no vessel can unload without having previously entered, and, in some cases, touched at another port called a port of entry. Numerous ports by nature are not even ports of delivery by law, but can receive goods only after they have been landed at the port of entry or delivery. Amongst even the ports of entry, there are some into which foreign vessels are not admitted, and others which can receive only vessels from this side of the Cape of Good Hope. Provided there was in each State at least one port to which all those united advantages were given, the Constitution has been considered as fulfilled. Thus, in Georgia, Savannah is the only one which admits vessels from beyond the Cape of Good Hope. I think that your alteration No. 2 could not pass; at all events, it would be very oppressive, and in its exceptions very embarrassing to us. The words "in conformity with treaty" were introduced only to limit with precision the extent of the permission; but they may be omitted, and an instruction given to the collector. I return the bill and your notes, that you may give it the direction which you had suggested.

Mr. Simms's letter points out other evasions, which can be radically removed only by substituting a special bond with condition to land in all cases where the general bond is now allowed. We have no collector at Bridgetown, N.J.; and I enclose a

recommendation. We have no marshal in North Carolina, and cannot even arrest the infractors of the embargo.

Respectfully, your obedient servant.

EMBARGO. SKETCH OF A BILL.

1st Sect.—Intended to provide against evasions at Passamaquoddy and St. Mary's.

2d Sect.—To permit the exportation from Michilimackinac of furs and peltry belonging to British Indian traders. They have a right by treaty so to trade and export. By the embargo, their vessels, canoes, &c., can carry nothing away.

Note.—The first section, as proposed by the President, is already provided for. The second section is, I think, less efficient than the first of this, and perhaps more objectionable. To which add that there are no warehouses at Passamaquoddy.

Sect. 1.—Be it enacted

That no ship or vessel having any cargo whatever on board shall, during the continuance of the Act laying an embargo on all ships and vessels in the ports and harbors of the United States, be allowed to depart from any port of the United States for any other port or district of the United States adjacent to the territories, colonies, or provinces of a foreign nation; nor shall any clearance be furnished to any ship or vessel bound as aforesaid without the special permission of the President of the United States. And if any ship or vessel shall, contrary to the provisions of this Act, proceed to any port or district adjacent to the territories, colonies, or provinces of a foreign nation, such ship or vessel with her cargo shall be wholly forfeited; and if the same shall not be seized, the owner, owners, agents, factors, and freighters of such ship or vessel shall for every such offence forfeit and pay

and the master and commander of such ship or vessel, as well as all other persons who shall knowingly be concerned in such

prohibited voyage, shall each respectively forfeit and pay
for every such offence,
whether the vessel be seized or not.

Sect. 2.—And be it further enacted

That nothing in the Act laying an embargo on all ships and vessels in the ports and harbors of the United States, or in the several Acts supplementary thereto, or in the Act to prohibit the importation of certain goods, wares, and merchandise, shall be construed to prevent the exportation by land or inland navigation of furs and peltries the property of subjects of Great Britain, and by them purchased from the Indians dwelling within the territories of the United States, from said territories to those of Great Britain; nor the importation by land or inland navigation from the territories of Great Britain into those of the United States of any merchandise the property of British subjects and by them imported for the use of the Indians aforesaid within the territories of the United States.

JEFFERSON TO GALLATIN.

April 2, 1808.

Th. J. to Mr. Gallatin.

On the amendments to the embargo law I am perfectly satisfied with whatever you have concluded on after consideration of the subject. My view was only to suggest for your consideration, having not at all made myself acquainted with the details of that law. I therefore return you your bill, and wish it to be proposed. I will this day nominate Elmer. The delegates of North Carolina expect daily to receive information on the subject of a marshal. Is the register's office at New Orleans vacant? Claiborne says it is, and strongly recommends Robertson, the secretary. He will be found one of the most valuable men we have brought into the public service, for integrity, talents, and amiability. Affectionate salutations.

GALLATIN TO JEFFERSON.

DEPARTMENT TREASURY, May 5, 1808.

DEAR SIR,—I do not perceive any alteration necessary in the letter,[1] except that the governors do not generally know who are the importers of flour; shipments of that article, particularly to the southward, being commonly made by merchants residing in Northern ports. Perhaps it would be better that the governors should merely state from time to time the quantity of flour which may be wanted, directing such certificate to the Treasury, and not to the collector; but adding, if they choose, the port whence to be shipped, and the names of shippers. The great objection is, that whether left to the governors or to the collectors, it is giving them the power of creating a monopoly in favor of certain individuals. How to remedy that I do not know.

The letter, if written, should be extended to the governors of Georgia and New Hampshire. Indeed, Rhode Island and Connecticut do not raise the wheat necessary for their consumption. It would operate more powerfully as a check on the collectors if I was permitted to communicate to them the letter or its substance. Will you have the goodness to let me know which, and in what shape?

I enclose three applications for New Orleans. As I have not yet received the statements from the collectors in relation to them, it would be premature to decide. But I wish to have your general ideas on them, principally as to the articles of ship-chandlery, which, as well as soap, tallow, butter, cheese, and lard, is generally imported from the Atlantic ports.

Respectfully, your obedient servant.

Other articles besides flour may be detained, which the States written to would want.

What shall I do with E. Livingston, whose arrival here may

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[1] Letter to the Governors of New Orleans, Georgia, &c.; see Jefferson's Works, v. 286, under date of May 6.

be daily expected, as you will see by the enclosed letter from Dallas?

JEFFERSON TO GALLATIN.

May 6, 1808.

Th. J. to Mr. Gallatin.

In the outset of the business of detentions, I think it impossible to form precise rules. After a number of cases shall have arisen, they may probably be thrown into groups and subjected to rules. The great leading object of the Legislature was, and ours in execution of it ought to be, to give complete effect to the embargo laws. They have bidden agriculture, commerce, navigation, to bow before that object, to be nothing when in competition with that. Finding all their endeavors at general rules to be evaded, they finally gave us the power of detention as the panacea, and I am clear we ought to use it freely, that we may by a fair experiment know the power of this great weapon, the embargo. Therefore, to propositions to carry flour or other provisions into the Chesapeake, the Delaware, the Hudson, and other *exporting* places, we should say boldly it is not wanted there for consumption, and the carrying it there is too suspicious to be permitted. In consequence of the letters to the governors of the flour-importing States, we may also say boldly that there being no application from the governor is a proof it is not wanting in those States, and therefore must not be carried. As to shuffling of cotton, tobacco, flaxseed, tar, &c., from one port to another, it may be some trifling advantage to individuals to change their property out of one form into another, but it is not of a farthing's benefit to the nation at large, and risks their great object in the embargo. The want of these at a particular place should be very notorious to the collector and others to take off suspicion of illicit intentions. Dry goods of Europe, coal, bricks, &c., are articles entirely without suspicion. I hazard these things for your consideration, and I send you a copy of the letter to the governors, which may be communicated in form to the collectors, to strengthen the ground of suspicion. You will be so good as

to decide these cases yourself, without forwarding them to me. Wherever you are clear either way, so decide. Where you are doubtful, consider me as voting for detention, being satisfied that individuals ought to yield their private interests to this great public object.

Should Mr. Brent, of Nanjemoy, resign, appoint the successor recommended by J. T. Mason, or any other you please. I thought Dr. —— was to have recommended a Republican for Vienna. If he does not, let a commission issue for John Ennals. If Mr. Livingston's business is the Batture, he may be told that we believe the public right so good that we think it our duty to keep it out of the possession of any adversary claimant until the Legislature shall decide, which they will probably do, or provide for, at the next session. If you can possibly have him arrested here for his public debt, the opportunity ought not to be lost. I really think it would be well to recommend to every collector to consider every shipment of provisions, lumber, flaxseed, tar, cotton, tobacco, &c., enumerating the articles, as sufficiently suspicious for detention and reference here. Accept my affectionate salutations and adieux.

P.S.—The post for Monticello leaves this every Tuesday at 3 P.M. and Friday 5 P.M. I return in a month.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 10th May, 1808.

DEAR SIR,—I enclose printed copies of the two last circulars respecting the embargo.

The only points requiring your decision which have occurred are the following:

1. Governor Harrison's application to rent a lead-mine. If acceded to, what must be the terms? On account of the greater distance, those given to John Brown, of Kentucky, might not be acceptable to Harrison.

2. The revenue cutter of Savannah has been declared not to

be seaworthy; she was an old galley. Your approbation for selling her and purchasing a new one is wanted.

3. Shee and McColloch recommend that the regular trading vessels to New Orleans, which act like packets and belong to persons of whom there is no suspicion, may be permitted generally to go and take cargoes, excepting only provisions and lumber, which are the only dangerous articles, for the West Indies.

Young Rittenhouse, who has brought Armstrong's last despatches, and left Amsterdam on 24th March, says that there was no expectation there of our continuing the embargo; but the idea with our bankers and other well-informed merchants was that we would declare war against England, or that France, if we did not, would declare war against us. Holland, without any commerce left since the last decrees and our embargo, is in a deplorable state; her finances verging towards bankruptcy; the French every day more unpopular. The general opinion there was that Bonaparte intended the crown of Spain for himself. If true, is it not premature in him? and does he not run the risk of losing all her colonies? Will not Great Britain in that case take possession of Cuba? And what effect would that revolution have on our present situation in relation with both parties? If Bonaparte has such project at heart, I think that in almost every point of view the result must be favorable to us. The occupation of Cuba by either France or England and the transfer of our quarrel about Louisiana boundaries to France would be the only drawbacks.[1]

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

WASHINGTON, 16th May, 1808.

DEAR SIR,—I enclose the application of Fanning, Coles, and others to send a vessel in ballast, on account of a new question on which I have doubts. Those gentlemen have, with much

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[1] See the reply to this letter in Jefferson's Works, v. 290, dated May 17, 1808.

perseverance and enterprise, discovered a large quantity of sandal-wood on one of the Friendly Islands, in the Pacific Ocean. One cargo they took to China, and have brought the proceeds within a few days. They had previously heard from their captain that he had left between two and three hundred tons, being the residue of what the island can afford, on the island, and had made their application through Dr. Mitchell in time. They have received permission to send the ship to the island and bring the wood here. But they wish for permission to take it to China, which is its only market, and where it will fetch about one hundred thousand dollars, and to bring a cargo as usual from that country. And they represent that almost all the expense consisting in the length of the voyage and freight, a double voyage of twelve months each would consume all the profits. As their characters are perfectly fair, and indeed friendly, as the voyage is attended at this time with less danger to the vessel and seamen than to a belligerent port, as the English will get the wood if they do not take it within eighteen months from last September, and as the sale of the wood seems necessary in order to effect the object of bringing the property home, I would have had no hesitation in granting the request, had it not been for the expressions (in the 7th Section of the Act of 12th March, which gives the power) "that such vessel shall not during the voyage be engaged in any traffic, freighting, or other employment." Selling the wood in China and taking a cargo in exchange is traffic. But was it intended by the law to exclude any traffic whatever, or only any traffic other than that necessary to bring the property or its proceeds to the United States? The parties wait for your decision.

The two enclosed letters from Passamaquoddy and Sacket's Harbor are sent for information. The collector of Passamaquoddy is, as you will perceive, a very bad writer, but he is a man of great integrity, zeal, and activity, and full reliance may be placed on his facts as on his exertions. I write to the district attorney of Maine to proceed or to send a lawyer to Passamaquoddy for the purpose of collecting evidence and taking all the necessary steps for prosecuting the agents there and their employers in other seaports.

Sacket has resigned, I believe, from fear, or at least from a wish not to lose his popularity with the people. It is a fact that large quantities, particularly of potash, have arrived at Montreal from his district, which extends along the St. Lawrence from the Canada line to Lake Ontario. I have written to Governor Tompkins for a successor. I believe that the prohibitions laid on the coasting trade by your last instructions are too severe, and must be somewhat relaxed where it can be done without danger. I will prepare something to that effect for your consideration. Please to return the letters.[1]

With sincere respect and attachment, your obedient servant.

JEFFERSON TO GALLATIN.

MONTICELLO, May 16, 1808.

DEAR SIR,—Since writing my letter of yesterday, I have prepared the draft of a circular to the governors not before addressed, under which I mean to cover the printed copies of that of May 6, which I have requested you to send me. This draft I enclose for your perusal. I salute you affectionately.

[Enclosure.]

SIR,—The numerous and bold evasions of the several embargo laws threatened altogether to defeat the great and interesting objects for which they were adopted, and principally under cover of the coasting trade. Congress, therefore, finding insufficient all attempts to bind unprincipled adventurers by general rules, at length gave a discretionary power to detain absolutely all vessels suspected of intentions to evade the embargo laws, whereso-ever bound. In order to give to this law the effect it intended, we find it necessary to consider every vessel as suspicious which has on board any articles of domestic produce in demand at foreign markets, and most especially provisions. But as some of

[1] See the reply to this letter in Jefferson's Works, v. 291, dated 20th May, 1808.

the States do not raise a sufficiency of these articles for their own consumption, I addressed to their governors a circular letter, of which the enclosed is a copy. To those whose States, ordinarily, produce a sufficiency within themselves I did not address a copy. But should any extraordinary deficiency render a supply necessary, in the judgment of your Excellency, for the internal consumption of your State, your certificates, given as desired in the enclosed circular, will be effectual for obtaining the necessary supplies. Your own sense of the importance of giving full effect to this measure, and of preventing its being perverted into a mere sacrifice of the worthy to the unprincipled portion of society, will, I am sure, engage your watchfulness over every part of the transactions arising under your authorization. I salute your Excellency with great consideration and respect.

GALLATIN TO JEFFERSON.

WASHINGTON, May 28, 1808.

DEAR SIR,—The enclosed letter from Mr. Woolsey contains our last accounts from Lake Champlain; and that from Mr. Astor the amount of supplies expected in Canada from Champlain and St. Lawrence. I fear that the want of energy and resignation of Sacket will facilitate the evasions in the last district. On Champlain I believe that everything that could be done has been done.

The mail travels so slowly from Passamaquoddy that my last official accounts reach only to the 28th of last month, when the opposition appeared still stronger; the revenue boats having been fired at in the night and open violations continuing to take place. It must have been still more difficult in any degree to carry the law into effect subsequent to that date, as by return vessels it appears that between 2d and 7th May there were entered 19,000 barrels flour, 4000 do. pork, 4000 do. naval stores, &c. The people are paid by the British or disaffected, and no assistance to be expected until the arrival of the Wasp, which sailed from New York on 7th inst. Be that as it may,

all the evil which can accrue, both there and on the Champlain, is now at an end, and all we have to watch is our common coasting trade.

There is one species of evasions against which there can be no guard but in the watchfulness of our collectors and officers. I mean loading secretly and departing without clearance; and I think that we have little to fear from any other quarter. The great violations which have heretofore taken place have been either on the frontier districts, or in the sailing of vessels before the penalties were enforced. Of this I have a clear proof in the return of vessels arrived at Havana from the United States till the 11th ultimo, and deposited by our consul in the Department of State. I have analyzed it; and taking two periods of forty-two days each, the first from 17th January to 28th February, and the other from 1st March to 11th April, I find that forty-three vessels arrived from the United States during the first period, and only four during the last, one of which was in ballast, and only one had flour; an evident proof that the embargo operates, and that since the penalties were enacted and the second supplementary Act was passed the evasions (those on the British lines excepted) have been less than we had apprehended.

From that view of the subject I have been induced to believe that the system of licenses by the governors was unnecessary; and permit me to add that it will, I think, be less efficient than our own regulations. For we transfer thereby a limited discretion, which was vested in collectors responsible to ourselves and subject to our continual control, to men not under our control, afraid of clamor and of popularity, and transfer it without any limitation. The best mode certainly would have been, if recourse must be had to the governors, merely to call on them for information. Knowing Governors Sullivan and Charles Pinckney as we do, we can have no confidence in the last, and must rest assured that the other will refuse no certificates. They begin already to arrive, and for large quantities. Disliking the mode, and extremely desirous that some less liable to abuse and to charge of favoritism might be substituted, at least that it might not be extended to the other governors, I have carefully examined the subject, and think that I have formed a way which

will, without apparent retractation, afford necessary supplies in such a manner as to render abuses almost impossible, and, at all events, do away the necessity of writing to other governors. You will find it in the annexed circular, which I wrote last Friday. Indeed, it became utterly impossible to decide on the multiplied applications and references instead of adopting some general rule; the clamor against, and unpopularity of the absolute restrictions were increasing; and you may indeed rely upon it as a fact that the consumption of articles from other States and, in some instances, dependence on such importations was infinitely beyond what you had imagined. I will mention a single instance. The greater part of the South Carolina sea-coast and the whole of Georgia have, since the increased cultivation of cotton, abandoned that of corn, and depend entirely on importations from North Carolina and Virginia. By confining, as I have done, the value of the provisions transported to one-eighth part of the amount of the bond, there can be no temptation to carry away the article. Indeed, there is not, I believe, one instance of a regular trading vessel between two ports having violated the embargo, under the usual bonds. But this new limitation added to the penalties which may be recovered by the law, independent of the bond, places us on a much safer footing, and at the same time much less exceptionable, than the permission from the governors, under which whole cargoes of provisions will be perpetually transported, and that, perhaps, done by persons who have violated the embargo without the knowledge of the governors.

Excuse, I pray, the incorrectness and hurry of this letter. I have had more to write than at any former period, and, although wanting some relaxation, it is as yet impossible for me to be absent even for a week.[1]

With sincere respect and attachment, your obedient servant.

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[1] See the reply to this letter in Jefferson's Works, v. 296, dated May 27, 1808.

GALLATIN TO JEFFERSON.

WASHINGTON, 28th May, 1808.

DEAR SIR,—The enclosed letters from Lake Champlain show that we have not been properly supported by the people, and that the love of gain and British agency had rendered the stoppage of intercourse so unpopular that even Sailly and other truly friendly characters were afraid to act. I have, of course, written to the district attorney to institute prosecutions, &c. But although the waters are low, and nothing more can be done this summer in a large way, I think, considering the temper there, and the necessity of having the laws respected, that a company of regulars and two armed gunboats will be necessary on the lake near the line. It may with truth be said that this is proper, on account of the Canadians, who did in fact carry away by force two of the rafts.

E. Mounger, collector of Savannah, having resigned, I send recommendations in favor of R. Wall, the naval officer, as successor. They seem sufficient. If he is appointed, a vacancy will arise in his own office, for which there are two candidates, of whom I know nothing but what the letters state.

We begin, with the help of my last circular, to do better with the embargo. Unless an absolute and general rule be given to the collectors, they never act with uniformity, which was the case in this respect. Governor Sullivan dares not refuse flour certificates. One mail alone brought me permits for eleven thousand barrels, exclusively of corn and rye meal; as we must let those go at all events and without restriction, there is really more danger from that quarter than from any other. I intend to take my children northwardly on Tuesday next, and to be back about ten days after. I wanted myself a little respite; but the business of the office had not till this time permitted me to be absent.

I have on file about twenty applications for permission to send vessels in ballast, which I have concluded to keep till your return. You will receive one from a Mr. Mansfield in behalf of Mr. Lee, consul at Bordeaux, which is not supported by the

species of proofs which have been required, and, as I think, is a mere speculation.

With great respect and sincere attachment, your obedient servant.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 15th July, 1808.

DEAR SIR,—Governor Sullivan's certificates received at the Treasury to this day amount to 49,800 barrels of flour, 99,400 bushels of corn, 560 tierces of rice, and 2000 bushels of rye; and in addition thereto he has given certificates giving permission for *either* 7450 barrels of flour *or* 30,000 bushels of corn; so that the whole quantity of flour may be 57,250 barrels, and the whole quantity of corn may be 129,400 bushels. Amongst the certificates I am told that some are for persons resident in Alexandria or Georgetown, of whom he could know nothing.

Governor Langdon has given four certificates for so many cargoes of flour, say 4000 barrels, and two certificates each for a cargo of rice. No certificates have been transmitted by the other governors. I have read the papers relative to the collector of New Bedford, and think that he must be dismissed.

I think that it would be useful that you should write to Mr. Robert Smith, suggesting that during the summer all the gunboats *actually* manned and in commission should be distributed through a greater number of ports and bays to assist the embargo, and that he would confer with me on the subject on my passage through Baltimore. I have letters from Newport, Portland, Machias, Nantucket, Matthias Vineyard, &c., &c., on the subject.

With respectful attachment, your obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, 27th July, 1808.

DEAR SIR,—Towards the end of the last session of Congress, and after your interview with Hoge on the subject of the Western road, I had suggested that from respect to the State of Pennsylvania, and considering the manner also in which the subject had been treated last winter in the Legislature of that State, it would be expedient to instruct the commissioners to survey and locate from Brownsville westwardly, both to Wheeling and through Washington to some other spot on the Ohio, reporting both surveys to you for your determination. It was my impression that you had acquiesced, and would instruct the commissioners to that effect. I find, however, that it has not been done, and I seriously fear the consequences at this time. Did I not believe the course which I have mentioned to be perfectly proper, I certainly would not recommend it merely on account of those consequences. Permit me, however, to state that the county of Washington, with which I am well acquainted, having represented it six years in Congress, gives a uniform majority of about 2000 votes in our favor, and that if this be thrown, by reason of this road, in a wrong scale, we will infallibly lose the State of Pennsylvania at the next election; for the imprudent steps taken there seem unavoidably to lead to three distinct *electoral* tickets. I have been reminded of this subject by the enclosed letter from an influential and steady Republican of that county. And as it respects the road itself, I will add, 1st, that a thorough examination seems due to the law of the State; 2d, that the difference in point of distance will be even less than stated in the enclosed letter, if the Ohio be struck at Short Creek instead of Wheeling,—say about ½ mile to any given point, westwardly, Cincinnati, or any other; 3d, that the important part of this Western road terminates at Brownsville, on the Monongahela, and that its continuation, which is sufficient to agitate all that country, will never require much expense, as it will be only a travelling and not a transportation road. Indeed, the question, as it relates to the public interest, is in every respect so

extremely insignificant, that I am very desirous that it should not be permitted to do much positive evil.

Will you have the goodness to consider the subject? And if you approve, I can write to the commissioners to make the examination of both routes for your decision.[1]

With sincere respect and attachment, your obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, 29th July, 1808.

DEAR SIR,—I sent yesterday to the Secretary of the Navy, and he will transmit to you, a letter from General Dearborn, and another from General Lincoln, showing the violations of the embargo. As these are now effected by vessels which go off without clearances, with intention either of putting their loads on board of vessels at sea, chiefly British, or of sailing over to Nova Scotia or the West Indies, the danger is much greater from New York northwardly, principally from Massachusetts, than from either the Delaware, Chesapeake, or North Carolina. This arises from the proximity of the Northern seaports to the sea, which enables them to be at sea in two hours from the time they leave the wharf, from the vicinity of Nova Scotia, and from the number of British vessels hovering for that purpose between that colony and Massachusetts. There are some, also, in Long Island Sound, and amongst the islands between Nantucket and Rhode Island. The Senate did, by an amendment, confine to districts adjacent to foreign territories the power of seizing deposits of provisions, &c., which the House had, on my suggestion, made general, and which, connected with the authority of detaining vessels ostensibly bound coastwise, would have given us much additional security. But now the collectors cannot seize any articles, though placed in the most suspicious and remote places, nor even on board of vessels remaining or

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[1] See the reply to this letter in Jefferson's Works, v. 333, dated 6th August, 1808.

apparently intended to remain in harbor (Passamaquoddy and other districts adjacent to foreign territories only excepted); and where they have attempted it suits are commenced against them. Mr. Gelston here, cautious as he is, has nerve and zeal, and has made several doubtful seizures, for which he is sued. But we cannot expect that the collectors generally will risk all they are worth in doubtful cases; and it results that, until Congress meets, we must depend entirely on force for checking this manner of violating the law. I have requested Mr. Smith to send northwardly all the force that can be spared either in gunboats or cruising vessels; and I have, presuming on your approbation, which I now request, directed General Lincoln to sell the small cutter and to purchase and man one fitted for the present exigencies. I contemplate a similar arrangement for the New London and Portsmouth cutters, so as to obtain in all three good cruisers on that coast exclusively of the vessels belonging to the navy, and request you will authorize me to make that and any other similar alteration in the cutter establishment which may be wanted.

On the Lakes we are in no better situation. I have sent a blank commission for the collectorship of Sacket's Harbor, and new instructions to all the collectors, and will send a proper person, for whom I am now inquiring, to examine strictly the conduct of all those officers, give proper directions, inquire whether any further removals be necessary, and obtain the names of the infractors in order to institute suits. But want of efficiency in the law at first, and of energy in the collectors on Lake Ontario afterwards, have, together with avarice and the open encouragement by Federalists, organized opposition in that quarter to a degree which will probably baffle all our endeavors. Nothing but force on *land* (for there the collectors have the right to seize property on shore) will put a stop to the violations. As to judiciary redress there is very little hope. For, a few days ago, a Republican jury, notwithstanding the charge of Judge Sailly and the efforts of the attorney, have refused to find bills against the Canadians made prisoners after resistance on board one of the rafts which they were forcibly carrying away across the line on Lake Champlain.

The recruiting service cannot, scattered as it is throughout the United States, procure shortly many men for that quarter; and it is not improbable that you will still be obliged to call out militia in that quarter.

With those difficulties we must struggle as well as we can this summer; but I am perfectly satisfied that if the embargo must be persisted in any longer, two principles must necessarily be adopted in order to make it sufficient: 1st, that not a single vessel shall be permitted to move without the special permission of the Executive; 2d, that the collectors be invested with the general power of seizing property anywhere, and taking the rudders or otherwise effectually preventing the departure of any vessel in harbor, though ostensibly intended to remain there; and that without being liable to personal suits. I am sensible that such arbitrary powers are equally dangerous and odious. But a restrictive measure of the nature of the embargo applied to a nation under such circumstances as the United States cannot be enforced without the assistance of means as strong as the measure itself. To that legal authority to prevent, seize, and detain must be added a sufficient physical force to carry it into effect; and although I believe that in our seaports little difficulty would be encountered, we must have a little army along the Lakes and British lines generally. With that result we should not perhaps be much astonished. For the Federalists having at least prevented the embargo from becoming a measure generally popular, and the people being distracted by the complexity of the subject, orders of council, decrees, embargoes, and wanting a single object which might rouse their patriotism and unite their passions and affections, selfishness has assumed the reins in several quarters, and the people are now there altogether against the law.

In such quarters the same thing happens which has taken place everywhere else, and even under the strongest governments under similar circumstances. The navy of Great Britain is hardly sufficient to prevent smuggling; and you recollect, doubtless, the army of *employés* and the sanguinary code of France,—hardly adequate to guard their land frontiers.

That in the present situation of the world every effort should

be attempted to preserve the peace of this nation cannot be doubted. But if the criminal party-rage of Federalists and Tories shall have so far succeeded as to defeat our endeavors to obtain that object by the only measure that could possibly have effected it, we must submit and prepare for war. I am so much overwhelmed even here with business and interruptions, that I have not time to write correctly or even with sufficient perspicuity; but you will guess at my meaning where it is not sufficiently clear. I mean generally to express an opinion founded on the experience of this summer, that Congress must either invest the Executive with the most arbitrary powers and sufficient force to carry the embargo into effect, or give it up altogether. And in this last case I must confess that, unless a change takes place in the measures of the European powers, I see no alternative but war. But with whom? This is a tremendous question if tested only by policy; and so extraordinary is our situation that it is equally difficult to decide it on the ground of justice, the only one by which I wish the United States to be governed. At all events, I think it the duty of the Executive to contemplate that result as probable, and to be prepared accordingly.[1]

I remain, with great respect, your obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, 5th August, 1808.

DEAR SIR,—I forgot to enclose in my last the letters from Barnstable and Boston respecting the violations of the embargo; they are now enclosed. I have not heard whether the Navy Department had, after receiving General Dearborn's and my letter, made any arrangements to send cruising vessels and gunboats to the northward.

The enclosed letter from Mr. Woolsey gives a better account

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[1] See the reply to this letter in Jefferson's Works, v. 336, dated August 11, 1808.

of the violations along our northern line than we had yet received; and it is important in other respects, particularly as relates to the force at Montreal and vicinity.

Colonel Wynne complains, in his enclosed letter, of what is in fact the result of Collector Tredwell's strictness in complying with instructions. I have always feared that North Carolina would be shaken by the embargo; and the nature of their cargoes, all suspicious articles (provisions, naval stores, and lumber), renders the general measures adopted to prevent frauds more oppressive than elsewhere. Yet how to discriminate I do not know.

I have complied with your directions respecting the Chinese, and he has engaged Astor's vessel, to whom we had on general grounds refused permission. Had I had any discretion as to the application itself, I would have hesitated; for I apprehend that there is some speculation at bottom, and every deviation from the general rules is considered as favoritism and excites dissatisfaction.

On the Spanish business it may be premature to form conjectures in its relations with ourselves and with its probable effect on the conduct of the belligerent powers. I think, however, that we may take it for granted that the colonies will, under any possible result in Spain, be in alliance with England and at war with France during the remainder of the maritime war. Judging of the feelings of our nation by our own, we may also safely infer that the cause of a nation trying to assert its independence will be popular in the United States, and that France will in proportion become still more unpopular. There is one point to which perhaps immediate attention should be paid. It is possible that in the course of events it may *very soon* become indispensable, to prevent a greater evil, that we should occupy at least that part of Florida which we had claimed, viz., Baton Rouge and Mobile; and we ought, I think, to be ready on the spot for such a contingency, which, if it takes place, will probably leave no room for delay.[1]

With respectful attachment, your obedient servant.

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[1] See Jefferson's Works, v. 886.

GALLATIN TO JEFFERSON.

NEW YORK, August 6, 1808.

DEAR SIR,—I have received yours of 29th ult.,[1] and will examine the question of increasing the bond. I will only observe that I would have thought an *order* to the collectors to limit the cargoes of provisions to one-eighth of the bond illegal, and that I only wrote to them that when they did not *exceed* that proportion I did not perceive that there could be any ground of suspicion. This was written as a modification of the letter of May, accompanying copies of yours to the governors, and which was construed so as to prevent the exportation of provisions in all cases where the governor's certificate was not obtained. I would have preferred not to have written at all to the governors, and to have left the coasting trade on the footing of my first circular of 29th April, which you thought not strict enough. It is, however, certain that, with the exception of Governor Sullivan's certificates, the mode which you directed has been perfectly efficacious on the sea-coast. No evasions can now take place worthy of notice under color of the coasting trade. The embargo is now defeated, as I have already mentioned, by open violations, by vessels sailing without any clearances whatever; an evil which, under the existing law, we cannot oppose in any way but by cruisers.

I have this day received a letter from Mr. Smith mentioning that he had given the necessary orders to that effect.

A new attempt is also made to prevent detention through the medium of State courts, which you will find stated in the enclosed letter from the collector of Newport. I have in my answer directed him to pay no obedience to such efforts to defeat the law, as the State courts have no shadow of jurisdiction in such cases. Still, this increases our difficulties, and I deeply regret to see my incessant efforts in every direction to carry the law into effect defeated in so many quarters, and that we will probably produce, at least on the British, but an inconsiderable

[1] See Jefferson's Works, v. 327, letter of July 29, 1808.

effect by a measure which at the same time threatens to destroy the Republican interest. For there is almost an equal chance that if propositions from Great Britain or other events do not put it in our power to raise the embargo before the 1st of October, we will lose the Presidential election. I think that at this moment the Western States, Virginia, South Carolina, and perhaps Georgia, are the only sound States, and that we will have a doubtful contest in every other. The consciousness of having done what was right in itself is doubtless sufficient, but for the inefficacy of the measure on the Lakes and to the northward there is no consolation; and that circumstance is the strongest argument that can be brought against the measure itself.

The death of General Shee brings on you another difficulty, which the critical situation of Pennsylvania will not tend to lessen. Yet on that ground I will not, nor can I, give any opinion.

For it is, I believe, morally impossible to make an appointment that will not displease some section of the Republicans, and of course do some injury to the Republican interest. I am independent of any considerations of that kind in favor of Captain Jones, because, from his pursuits in life and personal character, I am confident that he is the best qualified. Any other man who has a chance for the appointment will, as his predecessors, be the deputy of his deputy. But this subject is, unfortunately, at this time so connected with the existence of the Republican party in Pennsylvania, that I think it will be best not to be too hasty in filling the place. The deputy, Graff, will do very well till you have full time to investigate.

With respectful attachment, your obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, August 9, 1808.

DEAR SIR,—Governor Tompkins transmits to you a letter from Oswego, announcing an insurrection there. The particulars I know not, as, if the collector has written, his letter has

gone to Washington. The accounts are, I presume, somewhat exaggerated; and there is no more insurrection than has been on Lake Champlain or Passamaquoddy; but certainly a forcible violation of the embargo by such combination as prevents the execution of the law and would justify the calling of militia. I had a long conference with the governor, and stated your reluctance to issue another proclamation declaring a part of this State in a state of insurrection. He felt the force of the observation, and declared his willingness to do whatever he could *legally and properly* do.

I assured him that if he called any militia on this occasion on his own authority the expense would be defrayed by the United States; and I think that it will be necessary that you should give him assurances to the same effect. He proposes—and this would be the most effectual mode—to go himself, as soon as he has received an answer from General Dearborn respecting the fortifications and obstructions here, to Oswego, Sacket's Harbor, and Champlain. For he observes that the militia officers, if selected at random, may be imprudent or disaffected. Whether you request him to act on his own authority, or issue a proclamation and make a formal requisition of militia, the number may probably be left to his discretion, not exceeding five hundred men in all. In that case I think that one company at each of the following places, Genesee, Oswego, Sacket's Harbor, Oswegatchie, Lake Champlain, and the residue between the two last-mentioned places, to guard the land roads and the crossing-places of St. Lawrence below the Oswegatchie, will form a proper distribution.

Information of violations along the sea-shore of Massachusetts continues to be received daily. The Wasp, Argus, and Chesapeake have been ordered by the Secretary of the Navy in that quarter. To that force Commodore Rogers has promised to join the Revenge; but I have not been able to obtain more than three gunboats, which is inadequate. I have requested they might be sent to Newport, New Bedford, and Barnstable, and that the Revenge should cruise about the Vineyard, and between Nantucket and Cape Cod; the three large vessels, particularly the Wasp and Argus, to cruise from Cape Cod to

Portland, and occasionally eastwardly. This, with the revenue cutters, is all we can do, and of course we must remain satisfied with the result, whatever it may be. To our other difficulties there must be added that the district attorney—Blake—does not seem zealous, or even active, and that we will not recover many penalties. I will write to him to-day, though it is not precisely in my line, and he has not answered a former letter. We have also a bad collector—Pease—at Edgartown on Matthias Vineyard, the largest island between Nantucket and Cape Cod. Is not a Mr. Green the representative for that district? If you know his residence, I will write to him respecting a successor. I presume it must be at Barnstable. It is also reported that in that quarter fishing vessels and vessels permitted to go in ballast abuse their privileges, and carry provisions to the West Indies.

I have as yet, to all applications to send vessels to Europe, Africa, and Asia, given the uniform answer that the President had determined not to grant any permissions, except for the West Indies: this makes the Chinese permission inconvenient. And I enclose for your decision one from the insurance companies of Philadelphia for Cape of Good Hope, which I do not wish, any more than that of Coquerel for Isle of France, to be granted, and which indeed stands on no better foundation than individual applications. But the permission allowed to Punga Wingchong makes individuals desirous of a direct reference to yourself.

I found in my conversation with Governor Tompkins that no order had issued from the War Department for renewing the detachment of 100,000 militia under last year's law. So that in case of emergency we have not one man besides the regulars in readiness. Although out of my proper business, I cannot help saying that under the circumstances of the country that omission appears wrong, and that orders to that effect ought immediately to be issued by the War Department to every State, in order to have the men in readiness if wanted.

I have inquired also why the delay had taken place in making the cession of ground for obstructions. The governor tells me that that will be done the instant that General Dearborn will

have specified where he wants it, which he has not yet done. But you may rely upon it that General Dearborn has pointed out a place where from the depth (96 feet) a plan of obstructions is altogether impracticable. The *shallowest* part of the channel is the only part where it can be done. I have told General Dearborn where that was, having had the soundings correctly taken last year; but he is bent to the line between his forts, and the consequence is, clearly, that nothing will be done.[1]

With respectful attachment, your obedient servant.

GALLATIN TO JEFFERSON.

New York, August 17, 1808.

Dear Sir,—I return Lowry's papers. I do not exactly recollect what had passed on the subject, and only remember that there was a statement of facts obtained from the district attorney, in which the species and degree of resistance to the deputy marshal were represented as greater than is done by themselves and Mr. Smith. In every other respect the representation of Mr. Smith is, I think, correct. The conduct of the land companies has uniformly been contrary to the intention and spirit of the law; and I think the decree of the Supreme Court radically wrong, and to have worked a great and extensive injury. It is true that nothing can justify resistance to law. In this instance, however, the parties having suffered a longer imprisonment than was decreed by the court for their offence, and being now detained merely on account of their poverty, which prevents their paying the fine, the case may be proper for the exercise of a pardon remitting only that fine. I would speak more decisively if I had the former papers before me.

The enclosed application of Smissaert, a Batavian consul, to export to Batavia certain copper coins called *dutes*, necessary in the intercourse with the natives of Java, had been refused

[1] See reply to this letter in Jefferson's Works, v. 344, dated August 15.

verbally in Washington last winter, and is now renewed, with a request to be laid before you, principally, I believe, in order to show to his government that he has done all he could to obtain a permission.

I enclose a letter from the collector of Gloucester (Cape Ann, Massachusetts), together with copies of my answer and of a letter to the district attorney, on the subject of forcible opposition to the embargo. Be pleased to return both the letter and copies. I am verbally informed this morning that still more gross proceedings have taken place at Newburyport,—a vessel having sailed by force under the protection of a large armed mob assembled on the wharf, and who prevented the interference of the custom-house officers. The Argus and Wasp will sail this week for that coast; the Revenge is off Nantucket and Matthias Vineyard; the Chesapeake off Block Island, whence she has already sent eight vessels in. But I could only get four gunboats, one of which is stationed at Newport, one at New Bedford, one south of the Barnstable or Cape Cod Peninsula, and the other will go north of the same peninsula, between Barnstable Bay and Plymouth. Beyond that we have no stationary force but the two revenue cutters of Boston and Portsmouth, and the two Passamaquoddy gunboats. If the Argus and Wasp do not check the illegal sailing of vessels from that coast, and the law proceedings are impotent, we will be placed in an awkward situation, for we cannot much rely on Governor Sullivan's exertions.

The opposition at Oswego has broken into insurrection, as you will perceive by the enclosed letter from the collector and those you will receive from the governor, who has agreed to send one or two companies of militia, under one of his aids, to be stationed in that district. I have assured him that the expense would be defrayed by the United States, although the militia were called by the State authority, inasmuch as it was at our request and to avoid the proclamation, &c., that it was done. But I do not know how to arrange the details, which belong entirely to the War Department. General Dearborn has referred me for orders to the recruiting-parties to General Wilkinson, to whom I feel some delicacy to give what he may

consider as improper interference. I think, therefore, that in addition to what I have written, and may again write, to General Dearborn, it will be necessary that you should, 1, repeat to Governor Tompkins the assurance that the expense of the militia which he has called, or may, according to circumstances, think necessary to call, on the Lakes, will be defrayed by the general government; 2, direct the War Department to make the necessary arrangements for the regular payment and supply of provisions for such militia; and, 3, direct General Wilkinson to order immediately all the recruits in the State of New York, including those in the city, to repair, about ½ to Sacket's Harbor, on Lake Ontario; ⅛ to Oswegatchie, on St. Lawrence; and ⅛ to Plattsburg, on Lake Champlain; in order to assist the collectors in keeping possession of deposits of provisions, potash, &c., and in detaining vessels and boats sailing forcibly. This is all that strikes me at this moment as necessary and within our power, and I wish you to write to those three persons—the governor, General Dearborn, and General Wilkinson—only because your letters will produce more effect than mine would.

Application was made for leave to transport immediately the North Carolina wheat, on which I wrote a circular, in which I have added some relaxations which the situation of that State seemed to require. A copy of that and of sundry letters respecting the Chinese (who has sailed) will be sent to you from Washington.[1]

Respectfully, your obedient servant.

MADISON TO GALLATIN.

MONTPELIER, August 19, 1808.

DEAR SIR,—The last mail brought me yours of the 9th instant. Not having at hand the regular sources of information on the point to which it refers, I can speak from memory only. The law of nations leaves neutrals free to allow or refuse the

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[1] See reply in Jefferson's Works, v. 355, dated August 26, 1808.

sale of prizes, provided the same rule be applied to all the belligerents. The questions, therefore, are what the municipal law here has decided, and how far an Executive decision would be competent; it being understood that treaties furnish no decision. The municipal law, it seems, has made no provision for such a case. The Executive authority does not extend to a restriction, nor even to a definition of the law of nations. It follows that a remedy against the sale of prizes at N. O. can be supplied by Congress alone. Still, if there be any article in any treaty or any law requiring a prohibition of such sales to any one belligerent, or if there be any valid regulation to that effect actually in force, it would be within the *exercise* at least of Executive authority to extend the prohibition to all other belligerents, on the principle, I presume, that the *law* of impartiality authorized in the Executive what the duty of neutrality imposed on the nation. I do not recollect precisely what is contained in the French convention on this point, and therefore can make no inference from it. But it runs in my head that there is some unrevoked regulation applicable generally to the sale of prizes. If there be, it must be among the regulations for maintaining our neutral obligations, which were collected some time ago, and copies furnished to the collectors. If you have not already examined them, it may be worth while to do so.

The President has decided, I see, that Turreau be permitted to send his two vessels to France and the West Indies (but not to more distant seas) filled with French subjects who were here at the time of the embargo. You will, I presume, have taken measures accordingly. But, as it may avoid further delay in a case where it is already complained of, I shall desire Mr. Graham to let the President's determination be known at the Treasury, in order that any provisional arrangements made by you may be expedited.

Not a word has been received from Armstrong since we left Washington. I have a few lines from Pinkney, coming down to the 9th June, which amount to nothing more than that he was in a few days to have an interview with Canning, in which he should press as from himself, and on general grounds, a repeal of the orders, &c., &c. As the interview was presumably of his

own seeking, and as the arrival of the St. Michael at L'Orient on her way to England was known, and would furnish, as the Osage did, a good dilatory plea, the interview does not promise much; and the less as the torpor to our affairs will be increased by the animation and hopes excited by those of Spain. If these should become very flattering, it will be in the character of the present Cabinet to raise its tone rather than to revise its errors.

I have just received a petition to the President from merchants in Boston for a removal of the embargo, or a call of Congress for the purpose; and I see that another is on foot, founded on the additional market opened in Spain and expected in Portugal. Such are the malignant manœuvres for vexing the Executive. No efforts of the President could now assemble Congress ten days sooner than the time to which they are adjourned. And to acknowledge the new and local power set up in Spain, and thereby take part in the war against the others, would be an infatuation which the most stupid or the most wicked only could suggest.

Our crops of wheat are but tolerable. The corn-fields promise the most luxuriant crops. The crops of tobacco will not be great, and may be short.

Very sincerely, your friend and servant.

GALLATIN TO JEFFERSON.

NEW HAVEN, August 23, 1808.

DEAR SIR,—There is one application which I had referred to you, and to which you have given no answer. It is that of one Coquerel, to go to Isle of France; the vessel's name is either Calypso or Mentor. He had prepared his vessel under an alleged verbal permission of the collector. Both he and his captain have repeatedly called for an answer.

The War Department, in General Dearborn's absence, suspends the accounts of some New York militia called on the spur of the occasion to enforce the embargo on Lake Champlain without a previous demand for them by the general government.

You afterwards sanctioned the measure, and directed me to testify your approbation to Captain Mayo, who had thus turned out without waiting legal orders. This suspension may discourage the well-affected, and renders it necessary that General Dearborn should give orders on that subject, and on that of subsequent calls of militia by Governor Tompkins, to his principal clerk and to the accountant. I enclose a letter from the collector of Niagara, who still mistakes the law, as the boats could not be seized under any of the embargo laws. A copy of my answer will be sent from my office to you. But it is evident that there has been an habitual disregard of our general laws by the British traders, and that they claim, by virtue of the treaty, which only secures the free navigation of the Lakes, a right to enter all our ports there without reporting or fulfilling any other formality.

If this was admitted, they might smuggle as they please, and break with perfect facility every non-importation law.

With respectful attachment, your obedient servant.

I am here only for one day, and return to-morrow to New York.

MADISON TO GALLATIN.

MONTPELIER, August 31, 1808.

DEAR SIR,—Having communicated the enclosed letter from General T. to the President, he concurred in the propriety of asking from you the information on which an answer ought to be founded. I understand from the President that he has explained to you the principles regulating the indulgence allowable to these diplomatic applications. He will acquiesce, however, in giving effect to any misconceived permission under which expense may have been incurred, provided it be not essentially inadmissible. I am sorry for the trouble in which you are involved by these cases, but I can the less avoid giving it, as my memory does not supply the circumstances which I might command at Washington.

I have a letter from Mr. Pinkney of June 22. His expected interview with Mr. C. had not even then taken place; after hearing the arrival of the St. Michael at L'Orient he seems to have been willing to be first possessed of the information conveyed by her, in order to be on even ground with Canning, who had received Erskine's communications as well by her as by the May packet. He says little on general subjects, and nothing that denotes relaxations on the part of the British government, which indeed was too much occupied and elated with the occurrences in Spain to think of American affairs. He enclosed a copy of Rose's bill, conformable to his motion, in the newspapers. It takes the place of the expired Act, carrying the treaty of 1794 into execution; consequently leaves the East Indian trade subject to restrictions, which will, I suspect, be imposed, experimentally and politically at least.

What does Canning mean by declaring that no communication whatever had been received from this government subsequent to the return of Mr. R.? Does he really mean to make the public there believe that we are satisfied, and here that we have been neglectful or invidious? Or does he consider nothing worth the name of communication but concessions or overtures from this country? How are we to understand also his assertion that *several* special messengers had arrived after touching at L'Orient, when in fact one only (by the Osage) had arrived, and who, having left the United States in February, during the negotiations with Rose, and after Erskine's communication, official though verbal, of the orders in council, could not be expected to be the bearer of more than explanatory communications to Mr. Pinkney? It is a fact, however, that Mr. P. on receiving his despatches glanced at the orders, and declined following up the subject, because he found no good could result from it. Canning also must have received by that conveyance, or probably by a preceding packet, the official, though verbal, remonstrance to Mr. Erskine against the orders in council, which I repeated to him at his own request, for the purpose avowed by him, of transmitting it to his government. After all, if communications, &c., had been received prior to Mr. R.'s return, as seems to be implied, or at least is not denied, how could a fail-

ure to repeat them, when no answer had been returned, be construed into the inferences of Mr. C.? There is the more attention due to this part of Canning's speech, as it appears in several editions of it in English gazettes to be substantially if not verbatim the same. Pinkney inculcates a firm adherence to the Non-Importation Act, the President's proclamation of July, 1807, and the embargo.

With respect to this last measure, the public mind in this quarter appears to be unshaken. You can judge better of its state northwardly. The Federal papers, I observe, form the most sanguine calculations.

The month of August has borne hard on the crops of corn and tobacco, being both dry and cold; and I learn that they were generally less promising than in this particular district. Beyond the mountains the crops of corn will be very scanty indeed.

Yours very sincerely and respectfully.

JEFFERSON TO GALLATIN.

MONTICELLO, September 2, 1808.

DEAR SIR,—I enclose you the cases of Thorndike, of Massachusetts, and Barney, of Rhode Island, received by yesterday's post, which appearing to have nothing taking them out of the common rule, you will be pleased to dispose of them according to that. Thorndike's ground is that he was out of the State of Massachusetts during the *whole* time permits were allowed. If he had been out of the United States, the case would have merited consideration; but the knowledge of the law, and of the permissions under it, must be presumed to be known through all the United States. Should we conclude to permit vessels to go for salt? this must depend on the quantity on hand, of which, in your position, you can judge best. If we are to do it, Barney's may begin the business on that principle; but not on the one he alleges, of the *late* receipt of a letter. I propose to be at Washington on the 1st of October. The newspapers tell us

of despatches from Mr. Pinkney; but Mr. Madison had not received them the day before yesterday. Affectionate salutations.

P.S.—I appoint Eugene Sullivan at West Point. Rose turns out to be a great sot. In a letter of August 15, General Dearborn says, "From the report made by the best-informed block-builders at New York, the expense, as estimated, would amount to almost one million of dollars, and I have been obliged to postpone the erection of the line of blocks and chains for further consideration." This mortifies me extremely; for, although I should be for allowing the million, our appropriation will not bear it, and we ought not to begin a thing which will go beyond that without consulting Congress. It was my hope to have left all the seaport towns in a state of defence; but this, and our unfortunate disappointments at New Orleans, will leave these two important places unfinished.

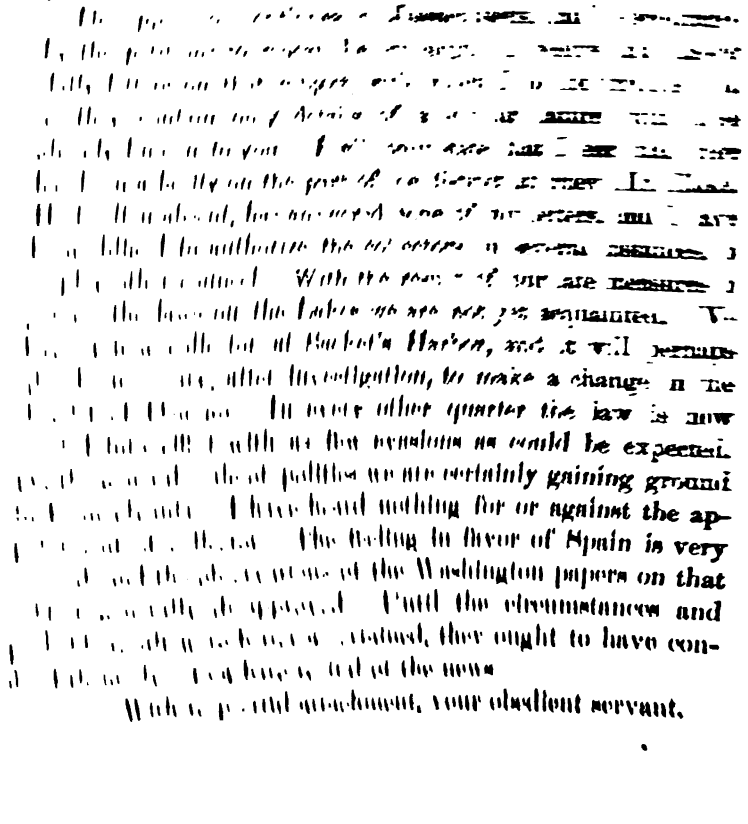
GALLATIN TO JEFFERSON.

NEW YORK, September 2, 1808.

DEAR SIR,—Yours of 26th ult. was received yesterday, together with that of Mr. Madison, advising that a vessel must be despatched from Philadelphia for France and England; which will be attended to, only making her to sail on 20th instead of 15th inst., in order to give full time and avoid the expense of demurrage.

My circular of 1st August, precluding the departure of vessels after the 16th, did not reach Charleston till the 17th. Four owners of vessels who had obtained permission and were ready to sail, having been detained in port by the collectors in conformity with the circulars, have petitioned for leave to go, as they had not been notified of the limitation. The enclosed letter to Mr. Theus contains the petitions and my answer.

Although I did not feel authorized to grant the request, their case is hard, and I have therefore transmitted the letter to you, in order that you may decide. Will you have the goodness, in



[illegible]

[illegible] With the [illegible] of our [illegible] measures [illegible] the laws on the Lakes we are not yet acquainted. [illegible] for at Sacket's Harbor, and it will perhaps [illegible] after investigation, to make a change in the [illegible] In every other quarter the law is now [illegible] with as few evasions as could be expected. [illegible] politics we are certainly gaining ground [illegible] I have heard nothing for or against the ap- [illegible] The feeling in favor of Spain is very [illegible] of the Washington papers on that [illegible] Until the circumstances and [illegible] they ought to have con- [illegible] of the news.

With [illegible] attachment, your obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, September 8, 1808.

DEAR SIR,—I enclose the following papers:

1. Application to Havana, at particular request of the parties.

2. A letter from Soderström. Shall the collectors of Baltimore be directed to give him the certificates he requires? The object is to subject to penalties Swedish or Americo-Swedish subjects trading to this country contrary to certain regulations of the Swedish government, and to enforce on those subjects here the authority claimed over them by Soderström. His unanswered letter of July, I sent long ago to Mr. Rodney for his opinion, with a request to transmit both to you. Your decision has never been received.

3. Recommendations for office of receiver at Steubenville. The question seems to lie between Wilson and Dickenson. I do not recollect whether you have filled the place of commissioner of loans in Georgia vacant by the death of Alger, deceased near three months ago.

I have given the directions for the vessel intended to go to Europe. But I think she might have been delayed till we had received answers to the proposals sent by the St. Michael. Till then we do not know precisely the ground to be taken in Russia. You know that my opinion was contrary to the mission there during the recess of the Senate, and our critical and doubtful situation at home does not seem to recommend at this time an appointment which must necessarily be unpopular. Last accounts from the collector of Champlain have induced me to request the Governor of New York that he would send a company of militia there.

In relation to the embargo, we have nothing else new of importance.

With respectful attachment, your obedient servant.

GALLATIN TO DAVID THOMAS, TREASURER STATE OF NEW YORK.

TREASURY DEPARTMENT, 14th September, 1808.

SIR,—I had the honor to receive your letter of 22d August, requesting to know whether any part of the two millions of dollars appropriated by the Act of 13th February, 1806, for defraying any extraordinary expenses attending the intercourse with foreign nations, had been drawn from the Treasury, and if thus drawn, to what purpose the money had been applied. Official documents, already published by order of Congress, sufficiently show that not a single cent of that money has ever been expended.

That appropriation was made in order to enable the President to acquire Florida by treaty. Messrs. Armstrong and Bowdoin, who were intrusted with the negotiation, were accordingly authorized, if they should succeed in making the purchase, to draw for one million of dollars on the bankers of the United States at Amsterdam, and for one million on the Treasury, as was stated to Congress in the annual report on finances of December, 1806. The negotiation did not succeed: Florida has not been purchased; those gentlemen never drew for any part of the money; and the funds placed in the hands of the bankers at Amsterdam, part of which might have been applied to the purchase if it had taken place, have, according to their original destination, been solely applied to the payment of the Dutch debt, as appears by the annual report of the commissioners of the sinking fund of February, 1808.

The evidence of those facts being scattered amongst voluminous documents of no very general circulation, I enclose a certificate from the Register of the Treasury, which will remove any doubt on that subject.

GALLATIN TO JEFFERSON.

NEW YORK, September 14, 1808.

DEAR SIR,—Your letters of 2d and 5th I received only on the 12th inst. I intend leaving this on the 21st, and expect to reach Washington about the 27th. Any letter, therefore, written subsequent to the receipt of this should be directed to Washington. If in the mean while I hear of the arrival of the St. Michael, I will hasten my departure and travel faster, so as to be ready to receive any communication arising from her return, or to meet you if the exigency of the case induces you to return to Washington sooner than you calculated.

With the assistance of Governor Tompkins and of General Wilkinson, militia and regulars have arrived, or are now on their march to the Lakes, and I hope that by the 1st of October everything will be there in tolerable order, and the militia relieved everywhere but in Vermont by the regulars. Nothing new or extraordinary from New England or any other quarter. I find it difficult to have the necessary prosecutions instituted in the northern parts of this State. But the district attorney of Maine has, by going himself to Passamaquoddy, collecting evidence, instituting suits, &c., restored order in that quarter. I enclose two cases for your decision. Shall vessels which had sailed under permission, and have been forced to return by stress of weather or compulsion, be permitted to proceed again on their voyages? It is asserted, but not yet certain, that we have lost the election in Vermont. Of New Jersey I can ascertain nothing; but it is a doubtful State. In Pennsylvania we have gained ground east of the mountains, but rather lost westwardly. I have still good hopes of that State; but should we lose it the fate of the Presidential election must, as in 1800, depend on South Carolina. The late accounts from Spain induce a belief that the war there will be more similar to those of Ireland and La Vendée, than productive of serious resistance. But the colonies may probably stand out.

With respectful attachment, your obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, September 16, 1808.

DEAR SIR,—I am again compelled to address you on the subject of Governor Sullivan's certificates, which he continues, as I am informed from several quarters, pertinaciously to issue. Whether he still sends duplicates to the Treasury I do not know, but, from the new form which he has adopted, rather think that he does not. I write, however, to the principal clerk in my office to send to you along with this letter a memorandum of the gross amount of his permissions so far as they have been received there. But of the effect I can speak with certainty. Those permissions do not only create dissatisfaction and operate unequally in favor of those who obtain them, but they materially interfere with the execution of the embargo laws. As a proof that they are granted without discretion, and for districts where flour is not wanted, I enclose a letter from the deputy collector of Barnstable, then at Boston. The provisions imported into Massachusetts in large quantities are intended for exportation, and are the foundation of the violations of the embargo there. The facilities afforded by the immediate egress from the ports of that State to the sea, by the vicinity of Nova Scotia, and by the number of British vessels hovering on the coast for the purpose of receiving cargoes, give already sufficient temptations for violations of the law.

The systematic opposition connected with political views which prevails there, renders the execution of the embargo still more difficult, and the governor's permissions supply the objects to be exported, as otherwise fish would be the only article that could be smuggled away. I think it really necessary that some efficient measure should be adopted to put an end to his certificates, or to prevent their being respected by the collectors. With very few exceptions, the embargo is now rigidly enforced in every other port of the sea-border.

With great respect and attachment, your obedient servant.

GALLATIN TO CHARLES PINCKNEY, GOVERNOR OF SOUTH CAROLINA.

TREASURY DEPARTMENT, 24th October, 1808.

. . . On the subject of the embargo, and particularly of what you should communicate to the Legislature, I must refer you to the President, who can alone judge of the propriety and extent of communications prior to the meeting of Congress. As an individual (but this is conjecture, and not fact), I believe that the British Ministry is either unwilling, if they can avoid it, to repeal their orders in any event whatever, or that they wait for the result of their intrigues and of the exertions of their friends here, with hopes of producing irresistible dissatisfaction to the embargo, and a change of measures and of men. I trust that if this be their object they will be disappointed, and of the steadiness and patriotism of South Carolina I never entertained any doubt. On an alteration in the measures of the French Emperor I place no more confidence, perhaps even less, than on Great Britain. The only difference in his favor, and it arises probably from inability alone, is that he interferes not with our domestic concerns. But let those nations pursue what course they please, I feel a perfect confidence that America will never adopt a policy which would render her subservient to either, and that after twenty-five years of peace and unparalleled prosperity she will meet with fortitude the crisis, be it what it will, which may result from the difficult situation in which she is for the first time placed since the treaty of 1783.

I have the honor to be, &c.

JEFFERSON TO GALLATIN.

October 25, 1808.

Th. J. to Mr. Gallatin.

In the case of the schooner Anne, carried off forcibly by a British crew, I think the removal of the inspector should be permitted to take place. The collector should be instructed to communicate from time to time all circumstances which may

enable us to trace the vessel, and copies of these papers should be furnished to Mr. Madison to furnish him the grounds of an answer to the British complaints of our transactions on the Lakes.

Would it not be well to have a bill ready for Congress on the defects which experience has developed in the embargo laws? Mandamus. The discretion of the collector expressly subjected to instructions from hence. To seize all suspected deposits. Bonds to be equal to what the cargoes would sell for in the highest foreign market, &c. Such other amendments as have occurred to you. The passing the law at their meeting would have a good effect in Europe, and would not pledge themselves to a continuance. Affectionate salutations.

JEFFERSON TO GALLATIN.

October 30, 1808.

Th. J. to Mr. Gallatin.

I enclose you the financial paragraph with your amendments. I shall insert one on the militia, but doubt whether I can say anything about the deficiency of the revenue if the embargo is continued, having declined expressing any opinion on its continuance. The whole of the paragraphs respecting our foreign affairs will be to be remodelled in consequence of the return of the Hope. The manufacturing paragraph is also remanufactured. Affectionate salutations.

I am puzzled about the Martinique paupers.

GALLATIN TO JEFFERSON.

Department of Treasury, 2d November, 1808.

Dear Sir,—I came late in the office, and, having only verbal alterations to propose of no importance, do not wish to detain the message from the other gentlemen.

The only observations that have occurred are, that the argument derived from the nature of the answer of Mr. Canning, being more controvertible than the general ground assumed in support of the fairness of our proposition, seems to weaken this. We might say, Not only it is controverted that France was the aggressor; not only we deny the doctrine of retaliation, particularly to the extent it has been carried; but even granting all that, our proposition met every objection, &c. The climax as the message stands does not seem quite right, nor the statement of the pretensions of Great Britain, as contained in Canning's answer, as forcible as what precedes. Is it necessary to state that at all? and might not all that follows the words "the arrangement has nevertheless been explicitly rejected" be omitted? The fact is that I do not recollect enough of the argumentative part of Canning's answer to propose any alteration.

But I wish you would read over the paragraph to which I allude.

Respectfully, your obedient servant.

I return the financial paragraph with the blanks filled.

GALLATIN TO JEFFERSON.

REMARKS ON PRESIDENT'S MESSAGE.

2d November, 1808.

First paragraph.—As the message will have a much more rapid and extensive circulation than the accompanying documents, it seems desirable that the proposition made to the belligerent powers, particularly to Great Britain, should be more explicitly stated. "Our disposition to exercise the authority in such manner as would withdraw the very pretexts on which their aggressions were founded;" "as the measure had been assumed by each merely as a retaliation for a pretended acquiescence in the aggressions of the other;" "the very pretext for obstructing which (the commerce of the United States) no longer existed." From those sentences alone in the message, it would be impossible to infer that the fair proposition to the belligerent

had actually been made. I am aware that a difficulty arises in making a brief and clear statement, from the modified manner in which the overture was made to France, which will be best explained by the documents. Yet, so far as practicable, it is of real importance that the message itself should at once, and in an explicit manner, apprise our citizens and the people of England of the candid, impartial, and clear proposition which was made. How such modification should be introduced cannot be suggested without recurrence to the instructions given to our ministers by the Secretary of State.

Would it be improper, in order to repel some late false assertions, to state the precise time and vessel by which the instructions were sent? adding that when that vessel left Europe "no change had yet taken place," &c., the definitive answer to our proposition, which is every day expected, not having at that time been yet given.

This would modify the disagreeable intelligence that no change had yet taken place, and, without raising improper expectations, state the real fact, and therefore that a possibility still existed of a change.

First and second paragraphs.—The conduct of the belligerents affords certainly the most just grounds of complaint. Yet those two paragraphs strike me as being too much in a tone of complaint and despondency. If the President should, on reading them over, think the observation correct, it will be easy to make a few verbal alterations. But there are two additions at the end of the first and second paragraphs which would produce the effect I wish, and be in other respects useful.

1. When speaking of the advantages resulting from the embargo, to add, the opportunity thereby given of demonstrating to foreign nations the fairness of our conduct, of placing our cause on irrefragable grounds of justice, and of thereby uniting the whole of our nation, who must now be convinced of the sincerity of the efforts of the Executive and of the persevering injustice of the belligerents.

2. In speaking of the painful alternatives out of which Congress must choose, to add the confidence of the Executive that the crisis, be it what it may, will be met with fortitude, &c.

Third paragraph.—I think this much too long, considering the degree of importance now attached to it by the nation. I would omit the opinion that the seamen will be restored.

Seventh paragraph.—I would omit the sentence, "as the additional expense to effect this would be very considerable, it will rest with Congress to decide on its being undertaken." For the fact is sufficiently evident without stating it, and, under existing circumstances, the sentence might be misrepresented as intended to prevent the adoption of the measure.

Tenth paragraph.—The conclusion of this paragraph announces, I fear, more than has been performed. I would omit from "and force has imposed" to the end of the paragraph.

Eleventh paragraph.—This paragraph appears to me the most objectionable in the message. From the manner in which it is expressed, it might be inferred, as the President's opinion, that a positive benefit is derived from the introduction of manufactures caused by the annihilation of commerce. I think the opinion, if it did exist, incorrect; but, be that as it may, its avowal (for it will be construed as an avowal) will produce a pernicious effect, and furnish a powerful weapon to the disaffected in the seaports and in all the Eastern States. All that seems important to be communicated, and it is only in relation to the British government and nation that it is important, is that the situation in which we have been *forced* has *compelled* us to apply a portion of our industry and capital to manufactures, and that those establishments will be permanent for the reasons mentioned. But I would omit everything which looks like a contrast between commerce and manufactures, and exultation at the result. This result should, it seems to me, be given as consolation, and not as matter of congratulation in the abstract.

Nor have we any data which would justify the supposition that the mass of our future wants will be supplied from among ourselves. The expressions which appear to me most objectionable are, "the nation *at large* will derive sensible advantage from the conversion, &c."

"The extent is far beyond expectation," and "the mass of our future wants, &c."

"And the produce of the agriculturist, &c.," to the end of the sentence, particularly the contrast with the necessity heretofore incurred "to traverse the ocean, exposed to its dangers and to rapine," which is little less than a *denunciation* of commerce.

Twelfth paragraph.—The balance in the Treasury on 30th September was about 13,800,000 dollars. But this great accumulation is due principally to our having redeemed but very little debt during the year, the great bulk of reimbursement falling for this calendar year on 31st December next, when we will have to pay near six millions, chiefly principal of the eight per cent. stock. Those six millions must therefore be considered as a deduction from the balance in the Treasury; and as this is the last time that the President will address Congress on that subject, I would propose to include in the redemption of debt what will be paid on 31st December next (stating it as such), presenting thereby in a single view the total amount of debt extinguished during the eight years of the President's Administration.

For there will be no payments on that account between the 1st of January and the 4th March next. I will be able Tuesday or Wednesday next to prepare a financial paragraph to that effect, and to fill the blanks in round numbers. The President may then either substitute it or fill the blanks of the present one.

But it follows that we cannot draw from this apparent accumulation the inferences next following in the message. The words "if we are to have war" do also state the case in words which have been avoided in other parts of the message; nor do they state all the contingencies under which the application of all our funds will be obvious. For, in case of the embargo being continued, we will have still less revenue, and will therefore still more want the money in hand than in case of war. I would therefore submit the propriety of substituting to that part of the message in substance what follows:

"The probable accumulation of the surpluses of revenue whenever the freedom and safety of our commerce shall be restored, beyond what can be applied to the payment of the public debt,

merits the consideration of Congress. Shall it lie unproductive? shall the revenue be reduced? or shall it not? &c."

I would omit the words "and at hazard in the public vaults."

When the subject of improvements was recommended two years ago by the President, I prevailed on him to omit the idea of an apportionment amongst the several States. For the same reason I wish extremely that the words "securing to each of them the employment of their proportionate share within their respective States" [should be omitted]. It may ultimately be necessary to insert such provision in the amendment in order to insure its success; but it is very desirable that it should be adopted without such restriction. A just apportionment will naturally result from the conflicting interests on the floor of Congress.

But the strict rule in a constitutional provision would be very embarrassing, and sometimes defeat the most important objects, because it often happens that an improvement is as useful or more useful to an adjacent State than to that through which it passes. Thus, the Chesapeake and Delaware Canal is almost altogether in the State of Delaware, and does not touch Pennsylvania, to which it is more useful than to any other State. According to the rule, its expense should be considered as the apportionment of Delaware, and Pennsylvania would receive her whole apportionment for other works, as if that was not done principally on her account. Indeed, as Delaware is not $\frac{1}{100}$th part of the Union, if the part of the canal which passes through that State costs 600,000 dollars, it never could be done unless sixty millions of dollars were expended in the whole. I am clearly of opinion that without an amendment to the Constitution nothing efficient can be done; but in order to insure the execution of the great national communications, the application should, if possible, be left by the amendment to Congress, unrestrained by special rules.

There are, I think, two omissions in the message:

1st. In the case of war, or continued embargo, the revenue will be evidently insufficient to meet the expenses.

2d. Although former recommendations have not been success-

ful, I would again call the attention of Congress to improvements in the militia,—the defence which events have now so clearly demonstrated to be the only one on which nations can rely with safety.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 3d November, 1808.

DEAR SIR,—No deed has ever been made to Indians of lands reserved to them in this manner, for two reasons: 1st, that, holding from them, we cannot convey to them what they have not ceded; 2d, that this reservation is on the same footing with other lands not ceded, being reserved not for individuals who might sell, but for a whole tribe. By our general law, the Indians cannot, therefore, sell this tract to any but the United States. I have no doubt that this is a *white men* speculation, the patent now applied for being intended to enable the Indians to sell to them. But, at all events, a law would be necessary to authorize a patent in this case. If we knew the Nantucket consumption, we might act on the petition. They have been concerned in the exportation, and very probably there is now a scarcity. Vessels may take their cargoes under the usual restrictions as to all other ports. Yet it may be best, on the plan which you have adopted, to write to Mr. Lincoln. I would prefer writing to the collector. The words "extinguishing 7,670,000 dollars of principal during the current year," in the financial paragraph, are not correct. That sum is the amount redeemed within fifteen months, viz., from 1st October, 1807, to 31st December, 1808. I would, therefore, omit those words, stating only that the payment of 1st January next includes the completion of the reimbursement of the 8 per cent. stock. With that omission, "seven and an half preceding years" should be substituted in the next line to "six and an half." The total amount of redemption, viz., $33,580,000, is for 7 years and 9 months, viz., from 1st April, 1801, to 1st January, 1809, and will include almost the whole of your Administration, as nothing will be paid from 1st January, 1809,

to 3d March ensuing, and the only sum omitted is what may have been paid between 3d March, 1801, and 1st of April of same year, which I have never ascertained, but does not exceed one hundred thousand dollars.

I cannot say precisely what the revenue liberated amounts to, but think it is a little less than two millions; *about* might be substituted to *upwards*.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT OF TREASURY, 8th November, 1808.

DEAR SIR,—The collector of Barnstable and his son, who acts as deputy, have faithfully used their best endeavors to carry the laws into effect, and, according to what appears to be a part of the system adopted in Massachusetts, are harassed by private suits. All the cases, three in number, are perfectly clear; detentions arising from the opinion of the collector that the intention was to evade the law, and on such grounds as have induced in every case a confirmation in the name of the President. I can do no more than to give general assurances of support; and one source of embarrassment arises from the conduct of the district attorney, Blake, who has not even answered a single one of the many letters which I have written to him in relation to the embargo. Both as relates to the suits against the collector and the question of replevy, which, if submitted to, will defeat the operation of any law we can pass, I wish that the President would read the letters and give an opinion which I may, in his name, communicate to the district attorney. And it is also necessary to examine what provisions may be introduced in our Judiciary Act which will protect our laws and collectors against encroachments of State officers.

I enclose, as connected with the subject, copy of a letter written last summer to the collector of Newport on the subject of replevy.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

DEPARTMENT OF TREASURY, 15th November, 1808.

DEAR SIR,—Both Mr. Madison and myself concur in opinion that, considering the temper of the Legislature, or rather of its members, it would be eligible to point out to them some precise and distinct course.

As to what that should be, we may not all perfectly agree; and perhaps the knowledge of the various feelings of the members and of the apparent public opinion may on consideration induce a revision of our own. I feel myself nearly as undetermined between enforcing the embargo or war as I was on our last meetings. But I think that we must (or rather you must) decide the question absolutely, so that we may point out a decisive course either way to our friends. Mr. Madison, being unwell, proposed that I should call on you and suggest our wish that we might, with the other gentlemen, be called by you on that subject. Should you think that course proper, the sooner the better. The current business has prevented my waiting on you personally in the course of the morning.

Respectfully, your obedient servant.

GALLATIN TO WM. B. GILES, U. S. SEN.

TREASURY DEPARTMENT, November 24, 1808.

SIR,—Indisposition has prevented an earlier answer to your letter of the 14th instant.

For better preventing coasting vessels, regularly cleared, from violating the embargo, two measures appear necessary:

1. That the amount of the bond should be increased. 2. That neither capture, distress, nor any other accident should be admitted as a plea, or given in evidence on trial.

By the first regulation, the temptation of going to a foreign port, in hopes that the profit on the sale of the cargo will indemnify for the forfeiture of the penalty, will be done away.

By the second, every expectation of escaping the payment of the penalty under fraudulent pretences will be disappointed, and the power of remitting the penalties in the few cases of unavoidable accident which may occur will remain as heretofore, and, as in other cases, with the Treasury.

As the object of those two regulations will be to make the bond a sufficient and complete security, they will have a tendency to relieve, in a considerable degree, the coasting trade from the inconvenience resulting from detentions.

The sufficiency of the bond will, in many doubtful cases, remove the necessity of detaining vessels, or, what amounts to the same, of informing the owners that, unless they reduce the amount of their cargoes, they will be detained.

I would also submit the propriety of placing under the control of the President that power of detention vested in the collectors by the Act of the 25th of April last. That subject has been a constant source of complaint and difficulty. It has been the uniform practice, from the establishment of the government of the United States, to give positive instructions to the collectors respecting the execution of the laws, and which they were bound to obey, unless a different construction should be established by a legal decision. This, indeed, was essentially necessary, in order to secure an uniform construction and execution of the laws. But the provision now alluded to makes the detention to rest on the opinion of each collector, and this must necessarily produce a great diversity in the manner in which the power should be executed. All has been done that could be done to obviate that evil, and, the President being authorized to decide on the detentions when made, the opportunity was taken to inform the collectors of what, in his opinion, should be a proper cause of detention. This, however, could be given only as opinion, and operate as a recommendation, and not as an order. Nor does it appear practicable to establish uniformity and to prevent partiality, and either laxity or too great severity in practice, unless the power of prescribing general rules in that respect, by which the collectors will be bound to abide, be vested in the President.

I am aware that there is another mode of evasion by regular

coasting vessels, which will not be prevented by either of the preceding provisions. Either whilst in port, or on their way down our rivers and bays, coasting vessels may receive articles not entered in their manifest, which they put on board other vessels, lying off the coast for that purpose.

But it is not perceived that any legal provision can prevent that infraction, nor that any other remedy can be found than the vigilance of the officers. Another general regulation will, however, be suggested, perhaps useful as a permanent measure, but which would, at all events, under existing circumstances, give additional security for the observance of the laws, and afford some relief to our own seamen, to wit, a prohibition to employ any aliens either as masters or part of the crew of any coasting vessel.

It is still more difficult to guard against violations by vessels departing without clearance, in open defiance of the laws. The following provisions, on mature consideration, appear the most efficient that can be devised against infractions, which it is the more necessary to repress, as they may be daily expected to increase, and threaten to prostrate the law and government itself:

1. To forbid expressly under pain of forfeiture (the penalty now being only implied) the lading of any vessel without the permission of the collector, and without the bond for a coasting voyage being previously given, authorizing the collectors to refuse permission unless the object be that of a lawful coasting or fishing voyage. The great number of vessels now laden and in a state of readiness to depart shows the necessity of this provision. If there be cases in which the indulgence of converting vessels into warehouses ought to be granted, there will be no hardship, where the intention is fair, to require a bond similar to that given for a coasting voyage. And the collectors should likewise, in such cases, be expressly authorized to take such efficient precautions as will put it out of the power of such vessels to sail without warning.

2. In order to prevent those fraudulent sales of vessels by which ostensible owners of no responsibility are substituted for those from whom penalties might be recovered, it is necessary to provide that those owners of vessels whose names appear on the

register or license should continue to be reputed as such, and liable to the penalties, in case of infraction of the laws, until the register or license shall have been actually surrendered, and new papers shall have been regularly granted by the collector to the purchaser. And, in every such case of purchase, a sufficient bond that the embargo shall not be infringed, to be previously required.

3. The power to seize unusual deposits, now vested in the collectors of districts adjacent to the territories of foreign nations, should, as was contemplated in the bill passed by the House of Representatives, be extended to all the districts. That this is an arbitrary power, which nothing but the unremitted efforts in some places to evade the law can possibly justify, cannot be denied, and it should, like that of detention, be placed under the control of the President, and be executed only in conformity with such general rules as he would prescribe.

4. Exclusively of the assistance which may be derived from gunboats and from the armed vessels of the United States, it would be advisable to authorize the President to add ten or twelve cutters to the establishment. Fast sailing vessels, of easy draft of water, and requiring only from fifteen to thirty men each, are mostly wanted, and would, for the object contemplated, be as useful as the largest frigates.

5. It is with regret that the necessity of authorizing, on the application of the collector, an immediate call for the local physical force of the country must also be stated. But such partial acts of violence as have taken place in some of the seaports cannot be prevented by the circuitous manner in which the public force must now be brought out in support of the laws. And no doubt exists that the mass of the citizens, whether they approve or disapprove of the embargo, would, in every port, instantaneously suppress any such outrage, provided they can be called upon to act in a legal manner.

Some other provisions appear also necessary for the purpose of carrying the laws more completely into effect along our land frontier:

1. The exportation of specie by land should be expressly prohibited.

2. The power of detaining deposits should be so expressed as to leave no doubt of the authority to detain wagons and other carriages laden and actually on their way to a foreign territory. Although I cannot perceive any reason for the distinction, it has been supposed, in one of the districts, that the law which authorized the detention of flour, beef, or potash deposited in a warehouse, did not extend to the case of their being deposited in a wagon, although evidently on its way to Canada.

3. The offence now punishable by law is that of exportation. This is not consummated till after the property has actually been carried beyond the lines, where, being in a foreign jurisdiction, it cannot be seized, so that forfeiture, which is the most efficient penalty, can never apply to exportations by land; and no bond being required, as in the case of vessels, the only remedy is the uncertain one of recovering penalties against apparent offenders, who either abscond or have no property. How far it may be practicable to make the act of preparing the means of exportation punishable, or to provide some other remedy, is submitted to the committee.

But it must also be observed that every degree of opposition to the laws which falls short of treason is now, with but few exceptions, an offence undefined and unprovided for by the laws of the United States; whence it follows that such offences remain unpunished when the State authorities do not interfere. The necessity of defining those offences by law as misdemeanors, and of providing an adequate punishment, appears obvious.

I will beg leave here to add, that it does not appear necessary to continue any longer the indulgence granted to the British merchants to import, for the use of the Indians, articles of which the importation is generally prohibited by law, as that privilege is liable to great abuse, and affords just ground of dissatisfaction to American citizens. Whether it be advisable to continue the permission given to those Indian traders to export furs and peltries, is a question to be decided by political considerations.

The last branch of the subject to which I wish at present to call the attention of the committee relates to interruptions and certain injurious proceedings attempted under color of law:

1. Vexatious suits are brought against collectors, which not only perplex faithful officers, but have the effect of intimidating others, and prevent an energetic performance of their duties. The only provisions which have occurred to me on that subject are, to enable the collectors who may be sued always to remove the cause before a court of the United States; to make a certificate, issued by the proper authority, that there was reasonable cause of detention; protect them against damages in cases of detentions, in the same manner as is now provided in case of seizures; and to provide for the safe-keeping and restoring, when proper, and on security being given, the vessels and property which may be detained.

2. Attempts have in several instances been made to wrest from the collectors, by writs of replevin issued by State courts or officers, property detained or seized by said collectors, or which in any other manner is in their possession, in conformity with some law of the United States. It is evident that such attempts, if submitted to, would defeat not only the embargo, but also the revenue laws of the United States; that whenever property is, by virtue of a law of the United States, in possession of a collector, marshal, or any other of their officers, no process, in rem, which will take the property away, whether of replevin, attachment, or any other, can be legally issued by a State authority; and that the sheriff or other person executing the same must be considered as a mere trespasser, and be resisted accordingly. But there is no other way at present to resist such illegal process but actual force. And it appears necessary that another remedy should be afforded by providing a summary mode of superseding any such process through the interference of the courts and judges of the United States, and by making it penal for any sheriff or other person to execute the same, or in any manner to attempt to take property which, by virtue of any law of the United States, is in the collector's possession.

3. In some instances where vessels and cargoes libelled for infractions of the embargo have been restored to the owners on their giving security for the appraised value, the valuations have been so low as to reduce the forfeiture to an inconsiderable

sum, thereby defeating altogether the law. It is suggested that this might be prevented by a provision authorizing and directing the district judges to set aside, on motion of the district attorney, such valuations whenever, in their opinion, falling short of the true value.

On the subject of mandamus, I will only observe that, in the only instance which has taken place, the court, supposing they had jurisdiction, could not, from the manner in which the question was brought before them, have decided otherwise than they did; but that it is desirable that the question of jurisdiction, as it relates either to the courts in whom the power ought to be vested, or to the cases to which it should extend, should be precisely defined by law.

I have not, in this communication, taken into consideration the technical defects of the existing embargo laws, because prosecutions do not fall within my immediate cognizance, and I do not feel competent to the task of pointing out the necessary alterations. Measures have, however, been taken to procure on that subject, and from the proper sources, information, which will hereafter be laid before the committee.

To the remaining inquiry of the committee, whether the inconveniences of the present system may not in some degree be removed, I can only answer, generally, that a law which lays such extensive restrictions as the embargo cannot be carried into effect without imposing serious inconveniences, even on the domestic intercourse of the United States; and that these must necessarily be increased in proportion to the opposition and efforts to evade or violate the law. It has already been stated that provisions which will render the bond given by coasting vessels a complete security against violations by them will diminish the necessity and extent of more arbitrary restrictions. An authority to permit, on proper security being given, such vessels, when they arrive in port, to keep their cargoes on board, would afford some relief. And I think that the credit on duties accruing on the importation of certain articles which was allowed by the Act of the 10th March last, should be extended to all importations of the same articles made after the passing of the Act; those made in vessels which sailed under

special permission only excepted. With respect to this last class of importations, as they were permitted by special indulgence, and as it is understood that it has been impossible in many cases to prevent its being abused, and as in almost all, the parties, having a species of exclusive privilege, have made sufficiently profitable voyages, the propriety, particularly in the existing situation of the revenue, of allowing them also the advantage of an extended credit on duties, is not perceived.

I have the honor to be, with great respect, sir, your obedient servant.

CAMPBELL'S REPORT.

November, 1808.

The committee to whom, &c., report:

After a period of twenty-five years of peace, hardly interrupted by transient hostilities, and of prosperity unparalleled in the history of nations, the United States are, for the first time since the treaty which terminated the Revolutionary war, placed in a situation equally difficult, critical, and dangerous.

Those principles recognized by the civilized world, under the name of law of nations, which heretofore controlled belligerent powers, regulated the duties of neutrals, and protected their rights, are now avowedly disregarded or forgotten by Great Britain and France. Each of those two nations captures and condemns all American vessels trading with her enemy or her enemy's allies; and every European power having become a party in the contest, the whole of our commerce with Europe and European colonies becomes liable to capture by either the one or the other. If there be any nominal exception, it is made on a condition of tribute which only adds insult to the injury.

The only plea urged in justification of those hostilities is that of retaliation, grounded on a presumed acquiescence of the United States in previous aggressions of the other party. Waiving a discussion of the correctness of the principle of

retaliation,—a principle doubtful in itself, and altogether inadmissible to the extent to which it has been carried, and when operating on the neutral rather than on the enemy,—it is altogether untrue that the United States have ever voluntarily acquiesced in the unlawful aggressions of either nation, omitted or delayed any measures calculated to obtain redress, or in any respect deviated from that strict impartiality to which they were bound by their neutrality.

France has alluded to the violations of the national flag and of the sovereignty of the United States in the instances of Pierce's murder, of the outrage on the Chesapeake, and of the destruction of the Impetuous. The measures taken to obtain redress in those cases are of public notoriety; and it may be added that, with the exception of the last, those aggressions on the sovereignty of the United States did not affect their neutrality, and gave no right to France either of complaint or interference.

Setting aside irregularities of less importance, and equally chargeable to both nations, such as the British order of June, 1803, and the decree of the French general, Ferrand, the principal violations by England of the neutral rights of America prior to the Berlin decree of November, 1806, and which, if acquiesced in, might have given grounds of complaint to France, are, the captures of American vessels laden with colonial produce, founded on a renewal of that pretended principle generally called "the Rule of 1756;" the impressment of American seamen, compelled thereby to become the auxiliaries of England against France, and proclamation or nominal blockades, particularly that of the coast from the river Elbe to Brest, notified in May, 1806.

It will not be asserted that the United States ever tamely acquiesced in either of those pretensions. It will not be denied that, with respect to the two first, the most strenuous efforts were incessantly made to procure an alteration of the British system.

It is true that to the nominal proclamation blockades of England the United States had opposed only spirited and repeated remonstrances, and that these had not always been successful.

But the measures which a neutral nation may be supposed bound to take against the infractions of its neutrality must always bear a certain proportion to the extent and nature of the injury received and to the means of opposition. It cannot certainly be pretended that a hasty resort to war should, in every such instance, have become the duty of America. Nor can the irregularities of England in declaring in a state of blockade a certain extent of coast, part of which was not, and the whole of which could not, even by her powerful navy, be actually invested and blockaded, be pleaded in justification of that decree by which France, without an efficient fleet, pretends to announce the blockade of the dominions of a power which has the incontestable command of the sea, and before no port of which she can station a single vessel.

The Milan decree of 1807 can still less rest for its defence on the supposed acquiescence of the United States in the British orders of the preceding month, since those orders, which have not certainly been acquiesced in, were not even known in America at the date of the decree. And it is proper here to add that the French have, particularly by the sequestration of certain vessels in their ports, and by burning our ships on the high seas, gone even beyond the tenor of their own extraordinary edicts.

The allegation of an acquiescence in the Berlin decree of November, 1806, by which alone the British government pretends to justify the orders of council, is equally unfounded. In the note on that subject addressed, on the 31st December, 1806, by the British government to the American ministers, after having stated that they would not believe that the enemy would ever seriously attempt to enforce such a system, the following declaration is expressly made: "If, however, the enemy should carry these threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations, his Majesty might probably be compelled, however reluctantly, to retaliate in his just defence," &c. The two requisites necessary in the opinion of Great Britain to justify retaliation are stated to be the execution of the decree, and the acquiescence of neutral nations. Yet within eight days after, and in the face of that

declaration, without waiting for ascertaining either of these facts, the retaliating British order of January 7, 1807, was issued, which, contrary to the acknowledged law of nations, subjected to capture vessels of the United States sailing from the ports of one belligerent to a port of another belligerent.

The United States, in the mean while, and without delay, had taken the necessary steps to ascertain the manner in which the French government intended to execute their decree.

That decree might be construed merely as a municipal law forbidding the introduction of British merchandise and the admission of vessels coming from England. Under that aspect, and if confined to that object, the neutral rights of America were not affected by its operation.

A belligerent may, without any infraction of neutral rights, forbid the admission into his ports of any vessel coming from the ports of his enemy. And France had undoubtedly the same right to exclude from her dominions every species of British merchandise which the United States have exercised in forbidding the importation of certain species. Great Britain might be injured by such regulations; but America had no more right to complain of that part of the decree than France had to object to the American Non-Importation Act. So far, indeed, as respects the United States, they were placed by the municipal part of the decree in the same situation in relation to France in which they are placed in their intercourse with Great Britain by the permanent laws of that country. The French decree forbids American vessels to import British merchandise into France. The British Navigation Act forbids American vessels to import French merchandise into England. But that broad clause of the Berlin decree which declared the British Islands in a state of blockade, though not followed by regulations to that effect, still threatened an intended operation on the high seas. This, if carried into effect, would be a flagrant violation of the neutral rights of the United States, and, as such, they would be bound to oppose it. The minister of the United States at Paris immediately applied for explanations on that subject; and the French Minister of Marine, on the 24th December, 1806, seven days before the date of the above-mentioned note of the British gov-

ernment, stated in answer that the decree made no alteration in the regulations then observed in France with regard to neutral navigators, or to the commercial convention of the United States with France; that the declaration of the British Islands being in a state of blockade did not change the existing French laws concerning maritime captures; and that American vessels could not be taken at sea for the mere reason of their being going to or returning from an English port.

The execution of the decree comported for several months with those explanations; several vessels were arrested for having introduced articles of English growth or manufacture, and among them some which, being actually from England and laden with English colonial produce, had entered with forged papers as if coming from the United States. But no alteration of the first construction given by the French government took place until the month of September, 1807. The first condemnation on the principle that the decree subjected neutral vessels to capture on the high seas was that of the Horizon, on the 10th October following; prior to that time there could have been no acquiescence in a decree infringing the neutral rights of the United States, because till that time it was explained, and, what was more important, executed in such a manner as not to infringe those rights,——because till then no such infraction had taken place. The ministers of the United States at London, at the request of the British minister, communicated to him on the 18th October, 1807, the substance of the explanations received, and of the manner in which the decree was executed, for they were at that time ignorant of the change which had taken place.

It was on the 18th September, 1807, that a new construction of the decree took place, an instruction having on that day been transmitted to the council of prizes by the Minister of Justice, by which that court was informed that French armed vessels were authorized under that decree to seize, without exception, in neutral vessels, either English property or merchandise of English growth or manufacture. An immediate explanation having been asked from the French Minister of Foreign Relations, he confirmed, in his answer of 7th October, 1807, the determination

of his government to adopt that construction. Its first application took place on the 10th of the same month, in the case of the Horizon, of which the minister of the United States was not informed until the month of November, and on the 12th of that month he presented a spirited remonstrance against that infraction of the neutral rights of the United States. He had in the mean while transmitted to America the instruction to the council of prizes of the 18th September. This was received on the of December, and a copy of the decision in the case of the Horizon having at the same time reached government, the President, aware of the consequences which would follow that new state of things [and of the intentions of the British government to extend at all events what was called retaliating measures],[1] communicated immediately to Congress the alterations of the French decree, and recommended the embargo, which was accordingly laid on the 22d December, 1807; at which time it was well understood in this country that the British orders of council of November preceding had been issued, although they were not officially communicated to our government.

On the 11th November preceding, the British orders of council had been issued, declaring that all the ports of France, of her allies, and of any other country at war with England, and all other ports of Europe from which, although not at war with England, the British flag was excluded, should thenceforth be considered as if the same were actually blockaded; that all trade in articles of the produce or manufacture of the said countries should be deemed unlawful; and that every vessel trading from or to the said countries, together with all goods and merchandise on board, and also all articles of the produce or manufacture of the said countries, should be liable to capture and condemnation.

These orders cannot be defended on the ground of their being intended as retaliating on account of the Berlin decree, as construed and uniformly executed from its date to the 18th September, 1807, its construction and execution having till then infringed no neutral rights. For certainly the monstrous doc-

[1] Omitted in the printed report.

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trine will not be asserted even by the British government that neutral nations are bound to resist not only the acts of belligerent powers which violate their rights, but also those municipal regulations which, however they may injure the enemy, are lawful, and do not affect the legitimate rights of the neutral. The only retaliation to be used in such cases must be such as will operate on the enemy without infringing the rights of the neutral. If solely intended as a retaliation on the Berlin decree as executed prior to the month of September, the British orders of council should have been confined to forbidding the introduction into Great Britain of French or enemy's merchandise, and the admission into British ports of neutral vessels coming from a French or other enemy's port. Indeed, the ground of retaliation on account of any culpable acquiescence of neutrals in decrees violating their rights is abandoned by the very tenor of the orders, their operation being extended to those countries from which the British flag was excluded,—such as Austria,—although such countries were neither at war with Great Britain nor had passed any decree in any way affecting or connected with neutral rights.

Nor are the orders justifiable on the pretence of an acquiescence on the part of the United States in the French decree as construed and executed subsequent to the 18th September, 1807, when it became an evident infraction of their rights, and such as they were bound to oppose. For their minister at Paris immediately made the necessary remonstrances, and the orders were issued not only without having ascertained whether the United States would acquiesce in the injurious alteration of the French decree, but more than one month before that alteration was known in America. It may even be asserted that the alteration was not known in England when the orders of council were issued, the instruction of the 18th September, 1807, which gave the new and injurious construction, not having been promulgated in France, and its first publication having been made in December, 1807, and by the American government itself.

The British orders of council are therefore unjustifiable on the principle of retaliation, even giving to that principle all the

latitude which has ever been avowedly contended for. They are in open violation of the solemn declaration made by the British ministers in December, 1806, that retaliation on the part of Great Britain would depend on the execution of an unlawful decree and on the acquiescence of neutral nations in such infraction of their rights. And they were also issued notwithstanding the official communication made by the ministers of the United States that the French decree was construed and executed so as not to infringe their neutral rights, and without any previous notice or intimation denying the correctness of that statement. The Berlin decree as expounded and executed subsequent to the 18th September, 1807, and the British orders of council of the 11th November ensuing, are therefore, as they affect the United States, contemporaneous aggressions of the belligerent powers, equally unprovoked and equally indefensible on the presumed ground of acquiescence. These, together with the Milan decree of December, 1807, which filled the measure, would, on the principle of self-defence, have justified immediate hostilities against both nations on the part of the United States. They thought it more eligible in the first instance, by withdrawing their vessels from the ocean, to avoid war, at least for a season, and at the same time to snatch their immense and defenceless commerce from impending destruction.

Another appeal has in the mean time been made, under the authority vested in the President for that purpose, to the justice and true interest of France and England. The propositions made by the United States and the arguments urged by their ministers are before Congress. By these the very pretext of the illegal edicts was removed; and it is evident that a revocation by either nation on the ground on which it was asked, either must have produced what both pretended to have in view, a restoration of the freedom of commerce and of the acknowledged principles of the law of nations, or, in case of refusal by the other belligerent, would have carried into effect in the most efficient manner the ostensible object of the edicts and made the United States a party in the war against him. The effort has been ineffectual. The propositions have been actually rejected

by one of the belligerent powers, and remain unanswered by the other. In that state of things, what course ought the United States to pursue? Your committee can perceive no other alternative but abject and degrading submission, war with both nations, or a continuance and enforcement of the present suspension of commerce. The first cannot require any discussion. But the pressure of the embargo, so sensibly felt, and the calamities inseparable from a state of war, naturally create a wish that some middle course might be discovered which should avoid the evils of both and not be inconsistent with national honor and independence. That illusion must be dissipated, and it is necessary that the people of the United States should fully understand the situation in which they are placed.

There is no other alternative but war with both nations or a continuance of the present system. For war with one of the belligerents only would be submission to the edicts and will of the other; and a repeal, in whole or in part, of the embargo must necessarily be war or submission.

A general repeal without arming would be submission to both nations. A general repeal and arming of our merchant vessels would be war with both, and war of the worst kind, suffering the enemy to plunder us without retaliation upon them.

A partial repeal must, from the situation of Europe, necessarily be actual submission to one of the aggressors and war with the other.

The last position is the only one on which there can be any doubt, and it will be most satisfactorily demonstrated by selecting amongst the several modifications which might be suggested that which may on first view appear the least exceptionable; a proposition to repeal the embargo so far only as relates to those powers which have not passed or do not execute any decrees injurious to the neutral rights of the United States.

It is said that the adoption of that proposition would restore our commerce with the native powers of Asia and Africa, and with Spain, Portugal, Sweden, and Russia. Let this be taken for granted, although the precise line of conduct now pursued by most of those nations in relation to the United States is not correctly ascertained. So far as relates to any advantages which

would result from that measure if confined to its ostensible object, it will be sufficient to observe that the exports of articles of the domestic produce of the United States during the year ending the 30th September, 1807, amounted to $48,700,000, and that the portion exported to the countries above enumerated falls short of $7,000,000,—an amount too inconsiderable, when compared with the bulk of our exports, to deserve attention, even if a question affecting the independence of the nation was to be decided by considerations of immediate profit.

But the true effect of the proposition would be to open an indirect trade with Great Britain, which, through St. Bartholomew and Havana, Lisbon, Cadiz, or Gottenburg, would receive, at prices reduced by glutted markets and for want of competition, all the provisions, naval stores, raw materials for her manufactures, and other articles, which she may want. Whether she would be satisfied with that favorable state of things, or whether, considering that boon as a pledge of unqualified submission, she would, according to the tenor of her orders, interrupt our scanty commerce with Russia, and occasionally, under some new pretext, capture, rather than purchase, the cargoes intended for her own use, is equally uncertain and unimportant. Nor can it be doubted that a measure which would supply exclusively one of the belligerents would be war with the other. Considered merely as a question of profit, it would be much more eligible at once to raise the embargo in relation to Great Britain, as we would then at least have the advantages of a direct market with the consumer. But the proposition can only be defended on the ground that France is the only aggressor, and that having no just reason to complain of England, it is our duty to submit to her orders. On that inadmissible supposition it would not only be more candid, but also a more dignified as well as a more advantageous course, openly to join England and to make war against France. The object would be clearly understood, an ally would be obtained, and the meanness of submission might be better palliated.

It appears unnecessary to pursue any further the examination of propositions which the difficult situation of the United States could alone have suggested, and which will prove more inad-

missible or impracticable as the subject is more thoroughly investigated. The alternative is painful; it is between a continued suspension of commerce, and war with both England and France. But the choice must ultimately be made between the two, and it is important that we should be prepared for either the one or the other.

The aggressions of England and France collectively, affecting almost the whole of our commerce, and persisted in notwithstanding repeated remonstrances, explanations, and propositions the most candid and unexceptionable, are to all intents and purposes a maritime war waged by both nations against the United States. It cannot be denied that the ultimate and only effectual mode of resisting that warfare, if persisted in, is war. A permanent suspension of commerce, after repeated and unavailing efforts to obtain peace, would not properly be resistance; it would be withdrawing from the contest and abandoning our indisputable right freely to navigate the ocean. The present unsettled state of the world, the extraordinary situation in which the United States are placed, and the necessity, if war be resorted to, of making it at the same time against both nations, and these the two most powerful of the world, are the principal causes of hesitation. There would be none in resorting to that remedy, however calamitous, if a selection could be made on any principle of justice or without a sacrifice of national independence.

On a question of such difficulty, involving the most important interests of the Union, and which has not perhaps till lately been sufficiently considered, your committee think the House alone competent to pronounce a decisive opinion; and they have in this report confined themselves to an exposition of the subject and to such introductory resolutions as will be equally applicable to either alternative. The first of these, being merely declaratory of a determination not to submit to foreign aggressions, may perhaps at a first view appear superfluous. It is, however, believed by the committee that a pledge by the representatives of the nation that they will not abandon its essential rights will not at this critical moment be unacceptable. The misapprehensions which seem to have existed, and the misrepre-

sentations which have been circulated respecting the state of our foreign relations, render also such declarations expedient; and it may not be useless that every foreign nation should understand that its aggressions never will be justified or encouraged by any description of American citizens. For the question for every citizen now is, whether he will rally round the government of his choice or enlist under foreign banners;—whether he will be for his country or against his country.

The committee respectfully submit the following resolutions:

1. Resolved, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain and France.

2. Resolved, That it is expedient to prohibit by law the admission into the ports of the United States of all public or private armed or unarmed ships or vessels belonging to Great Britain or France, or to any other of the belligerent powers having in force orders or decrees violating the lawful commerce and neutral rights of the United States; and also the importation of any goods, wares, or merchandise the growth, produce, or manufacture of the dominions of any of the said powers, or imported from any place in the possession of either.

3. Resolved, That measures ought to be immediately taken for placing the country in a more complete state of defence.

JEFFERSON TO GALLATIN.

December 14, 1808.

Th. Jefferson returns the enclosed report to Mr. Gallatin with his entire approbation and affectionate salutations.

P.S.—On reconsideration, the use of the words "temporary" and "permanent," in the sixth page, applied to the embargo, may give countenance to the Federal charge and clamor, as if we had really contemplated it as a permanent measure; and although the idea, as here explained, is just, yet they will seize

and use the *word* without the explanation. Would not some change, as proposed in the enclosed paper, express your idea without the use of the words which may be so misrepresented?

[Enclosure.]

Paragraph 6, line 8, *dele* "considered as temporary measures which will ultimately" and insert "after a certain time to."

Line 12, *dele* "shall be adopted as a permanent system during the continuance of the existing foreign hostilities" and insert "are to have equal continuance with the existing foreign hostilities," or preferably, "are to have equal continuance with the belligerent edicts, indefinite as that is."

Again, paragraph 7, line 1, *dele* "are therefore" and insert "need therefore be."[1]

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 28th December, 1808.

DEAR SIR,—I had already received and rejected a duplicate of Jacob Smith's petition. There could be no hesitation in the case, as she is a vessel owned by citizens of the United States, and the President had no authority to grant a permission unless by virtue of the power vested by the first Embargo Act; and that has never been used for any but public purposes. The vessel being originally foreign bottom does not alter the case. There are more than fifty thousand tons of shipping of that description owned by citizens of the United States, and they are expressly embraced by the embargo laws under their technical name, viz., *sea-letter vessels.*

We cannot destroy the boats, &c., at St. Mary's without being authorized by law so to do; and Congress shows so much reluctance in granting powers much less arbitrary, that there is no expectation of their giving this. You will also perceive by the

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[1] See the annual Report of the Secretary of the Treasury, dated 10th December, 1808.

letters of the collectors of Brunswick and Savannah that the system of illegal exportations is carried on the largest scale, and embraces all the sea-coast of Georgia. I enclose one more (anonymous) letter on the subject, but which adds nothing to the information already possessed. I wrote yesterday to the three collectors to man and arm a number of boats or vessels of the description mentioned in the Savannah letter. I had already written to Mr. Smith stating the necessity of sending gunboats amongst those inlets and islands, and to the Secretary of War requesting if possible some troops to guard against land exportations across the upper waters of the St. Mary's. Cotton at this moment is the great object. Every precaution and instruction within the powers of the Treasury has been given in every direction. Even to the northward similar plans are in operation. All the cotton in New York has been purchased by speculators in Boston, and they want to transport it. A single person wanted to ship six thousand bales, equal to 1,800,000 pounds. I have written to Mr. Gelston not to permit the shipment of one bale, as there must be a plan, though the details are not known, for its being illegally exported from Boston. As to Georgia, I do not perceive that anything more can be done than to send gunboats in addition to our small revenue boats. For I am confident that the attempt to negotiate with the Governor of East Florida would be fruitless.

The Atlanta must have been seized by gunboats, in which case the collectors will not be suffered to interfere, as the forfeiture, if any, belongs to the captors.

No permanent grant or permission to settle can be given to the Alabamas without an Act of Congress. But as the President is authorized to except lands from the sales, he might perhaps grant them a permission revocable at will. I think that Congress would agree at once to give them a reasonable tract.[1]

Respectfully, your obedient servant.

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[1] See the letter to which this is in answer, in Jefferson's Works, v. 405.

GALLATIN TO JOSEPH H. NICHOLSON.

WASHINGTON, 29th December, 1808.

DEAR SIR,— * * * * * * *

William Nicholson is well, and very obedient, both to Mrs. G. and myself. But the poor little fellow is very backward. I will do with him as well as I can. At present, however, I cannot attend to any personal concerns: never was I so overwhelmed with public business. That would be nothing if we went right. But a great confusion and perplexity reigns in Congress. Mr. Madison is, as I always knew him, slow in taking his ground, but firm when the storm arises. What I had foreseen has taken place. A majority will not adhere to the embargo much longer; and if war be not speedily determined on, submission will soon ensue. This entirely between us. When will you be here? We expect you, and the sooner the better. Exclusively of the pleasure we always have in seeing you, rely upon it that your presence will at this crisis be useful. I actually want time to give you more details, but I will only state that it is intended by the Essex junto to prevail on the Massachusetts Legislature, who meet in two or three weeks, to call a convention of the five New England States, to which they will try to add New York; and that something must be done to anticipate and defeat that nefarious plan.

Yours sincerely.

GALLATIN TO JEFFERSON.

DEPARTMENT TREASURY, January 10, 1809.

DEAR SIR,—It is necessary to prepare instructions in conformity with the 10th Section of the new Embargo Act. I presume that, the bond being now increased to six times the amount of vessel and cargo, the general instructions must only relate to *unusual shipments*, either in quantity or kind; that is to say, that the collectors ought not to permit the lading or

transportation of any articles which it has been unusual to ship to the ostensible port of destination, nor in larger quantities than has been usual.

But it may be proper to be more particular in some respects. The most suspicious articles are, 1, cotton; 2, lumber and naval stores; 3, provisions, especially flour. Will any more strict instructions be requisite in relation to those?

I think that we might forbid the *reshipment* of either cotton or lumber; that is to say, that we would let cotton go from Savannah to New York, but never from New York to any other port.

And the same regulation might do for provisions, with few exceptions, such as from one part of the State to another, within the same bay, river, or sound, &c.

The next point which will require instructions is what relates to calling military force or militia, under the 11th Section.

I perceive no other mode than that you should authorize each collector, *in the cases stated in the section*, to call either on military force of United States, if any within his district, or on such part of the militia as he may himself select. Some general caution may be added.

But it is necessary to know whether, at any time, militia has been called without first applying to the governor; and how far it may be eligible, if it has never been done, to do it in this instance. What was the mode pursued under the Act of 1794, vol. 3, pages 91, 92?

No instructions went from the Treasury in relation to calling militia. I presume that they were sent by the War Department. Those points require immediate and deliberate consideration, as we may expect some actual resistance in ports (in Massachusetts) distant from the governor's residence, and where there should be no delay in repelling such forcible opposition. If it be concluded to make the governor the medium, he must be requested to give orders in each collection district to the militia to act on receiving notification from the collectors.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

TREASURY DEPARTMENT, 4th February, 1809.

DEAR SIR,—Since I saw you I have received the two enclosures,—one from Hodge, surveyor of Newburyport, a Federalist, who had always done his duty, and whom we meant to preserve; the other from Little, a moderate Federalist, who confirms the bad character of Cogswell, and speaks in favor of Marquand, whom General Dearborn had originally recommended as collector.

You had concluded to keep Cross, the collector, some time longer, with a view to offer the place to Varnum; to appoint Marquand naval officer instead of Titcomb, a bitter Federalist, and to keep Hodge as surveyor. Hodge having now resigned, a different arrangement may be necessary in the enclosed letter and list, which I had prepared according to your directions.

As to Providence, I have spoken to two of the Rhode Island delegation, whose opinion, together with Mr. Ellery's letter to me, herein enclosed, and my own knowledge of Coles whilst executing the survey of the North Carolina coast, removes any possible doubt in that case. Coles is certainly the proper person to be appointed. Everything is quiet there, as Mr. Olney informs me; and, as far as my information goes, everything grows more quiet in Massachusetts and Maine. All would be well if our friends remained firm here.

Respectfully, your obedient servant.

NOTES ON THE POLITICAL SITUATION.

February, 1809.

Comparative view of proposed plans: Embargo, Non-Intercourse, Letters of Marque.

I. Non-intercourse with France and England, and general embargo continued.

II. Non-intercourse with France and England, and opening trade with powers which have no injurious decrees in force, { permitting / forbidding } vessels to arm.

III. Letters of marque and reprisal against France and England, and opening armed trade with powers which have no injurious decrees in force.

I. Advantages.

1. Steadiness in persevering in plan adopted.
2. Chances of favorable events in Europe.
3. Distressing England and colonies for want of our supplies.
4. Avoiding war for the present.

Inconveniences.

1. { *a.* Government only seen in the effects produced. / *b.* Irksomeness of a passive state. / *c.* Artificial effect produced by British faction. } have rendered the measure unpopular, New England, New York, Maryland, North Carolina.
2. Impracticability of effectually carrying it into effect.
3. Habits of smuggling and disobeying the law.
4. Permanence. { 1. Not producing sufficient distress on E. and F. / 2. Answering their views of destroying our navigation or commerce generally, which will increase its unpopularity, and may ultimately force a repeal. }
5. Rather withdrawing from the contest than positive resistance; real evils will increase.
6. Destruction of commerce and revenue.

II. Advantages.

1. Remove, or much lessen, the inconveniences of the general embargo system.
2. Does not necessarily lead to war, and preserves advantages from chances of changes in Europe.
3. Will probably cause war only with one, and that made on us and not by us.
4. A greater chance of unity at home.

Inconveniences.

1. If England choose to make it, war will expose our trade to a sweep.
2. Will furnish England with what supplies she wants from us, and be submission.
3. May (from the unequal effect produced) probably lead to war with France.

III. Advantages.

1. Removes several of the inconveniences of the embargo.
2. Positive resistance; displays a higher national spirit; better calculated to prevent future insults.
3. Commenced with all our resources of trade in, and unexpended treasure. These swept under II, 1; that gone in one year under I.

Inconveniences.

1. War with both, friendly with none.
2. Want of preparation.
3. Loses the chances of changes in Europe, I, 2.
4. Uncertainty of result at home and abroad.

JEFFERSON TO GALLATIN.

February 22, 1809.

Th. J. to Mr. Gallatin.

Have you obtained the name and character of the son of Madame Bonneville? I believe there remains a single vacancy of a cadet. It seems extremely difficult to say what had best be done as to militia at New London. I am assured that if I designate a militia officer there, the Legislature now meeting will immediately remove him. Perhaps the proper way to insure an effectual enforcement would be to remove Huntington; but I know too little of him to judge correctly of that measure. Affectionate salutations.

GALLATIN TO GENERAL SAMUEL SMITH.

TREASURY DEPARTMENT, June 29, 1809.

SIR,—I received the day before yesterday your letter of 26th instant, enclosing two Baltimore papers.

I have no other knowledge of the circumstances connected with the naval agency of Degen and Purviance than what is derived from their account as stated by the accountant of the Navy Department. The transaction, such as it appears there, is, under all its aspects, the most extraordinary that has fallen within my knowledge since I have been in this Department. It has certainly left very unfavorable impressions on my mind, and these have on one occasion been communicated verbally to a friend. Yet I hardly need say that I never supposed that the bills had been sold to government for the purpose "of securing a debt which you then considered bad, and of thus throwing the loss on the United States." But I did believe that you had drawn without having previously placed sufficient funds in the hands of Degen and Purviance, and that they had accepted your bills and passed the amount to the credit of the United States without having at the time in their hands sufficient funds belonging to you. That this was my impression you will perceive by the enclosed extract of a letter to Mr. Armstrong; and Mr. Purviance's statement, which you enclosed to me, shows that I was not mistaken. I do not intend to comment on this and other circumstances of the case. Taking them altogether, I have believed that, if we failed in our endeavors to recover the money from Degen and from Mr. Purviance, we might have recourse against the drawers of the bills.

I am, sir, &c.

MADISON TO GALLATIN.

MONTPELIER, July 28, 1809.

DEAR SIR,—I have received yours of the 24th. The conduct of the British government in protesting the arrangement of its minister surprises one, in spite of all their examples of folly.

If it be not their plan, now that they have filled their magazines with our supplies, and ascertained our want of firmness in withholding them, to adopt openly a system of monopoly and piracy, it may be hoped that they will not persist in the scandalous course in which they have set out. Supposing Erskine to have misunderstood or overstrained his instructions, can the difference between our trading directly and indirectly with Holland account for the violent remedy applied to the case? Is it not more probable that they have yielded to the clamors of the London smugglers in sugar and coffee, whose numbers and impudence are displayed in the scandalous and successful demand from their government that it should strangle the lawful trade of a friendly nation lest it should interfere with their avowed purpose of carrying on a smuggling trade with their enemies? Such an outrage on all decency was never before heard of, even on the shores of Africa. I have a private letter of late date from London, which says it was whispered that the Ministry were inclined to swallow the pill sent them, but that the King considered himself as insulted in what related to Berkeley, and positively refused his consent. This is not impossible, and may assist in explaining the phenomenon. Still, I cannot but hope, on the supposition that there be no predetermined hostility against our commerce and navigation, that things may take another turn, under the influence of the obvious and striking considerations which advise it. The sudden disavowal of Erskine by the Ministry took place in a moment of alarm at the situation in which it placed them; and the confusion is strongly marked on the expedient resorted to. Whilst they acknowledge the obligation to save the American merchants from the snare, they not only leave it open for those not going directly from the United States, but take no notice of the Mediterranean ports opened by the arrangement and shut by their decree. This is another presumption that the Holland market alone was in their thoughts, and that on account of the smugglers who awed them.

In answer to a letter to Mr. Smith, I have made a few observations on the several points for consideration; declining a return to Washington as not necessary, but awaiting the result of your consultations on that as on other subjects. I venture to

hope that my return will not be found necessary; the less so as you will be able to bring with you so full a view of the state of things, and the sentiments of your colleagues, that my decision, as far as necessary, may be made as well here as at Washington. The point of most urgency seems to be the effect of the failure of the arrangement on our commercial relations with Great Britain. If the non-intercourse with her results, and it be necessary in any mode to take official notice of it, I have thought the best to be that of a circular to the collectors, which would of course become public. Among the objections to a proclamation revoking that of April, is the quere whether that was not an act terminating the power over the subject of it.

We shall calculate on your setting out from W. in a day or two after this reaches you, and shall look for you and Mrs. G. before the end of the week. If Mr. Rodney should accompany you, *tant mieux.*

Accept my best regards.

MADISON TO GALLATIN.

MONTPELIER, July 30, 1809.

DEAR SIR,—Since my last I have received yours of the 26th. If the sketch of Erskine's instructions be faithful, it shows as clearly that Canning was determined to prevent an adjustment as that Erskine was to effect it. The proof is the stronger of C.'s insidiousness, as he must have known from the answer of Mr. Pinkney to the expedient which would substitute the capture of our trade under our laws for capture under British orders, that so degrading an idea would be received with disgust and indignation. I recollect that the conversation left Mr. P. under the impression that it would never be even urged on this country, or rather that if it had before been seriously entertained, his treatment of it had put it out of question. The idea is indeed too absurd and insulting ever to have been sincerely counted upon. Recollect the British language held against the Bayonne decree, which went no farther than to derive from our laws a circumstantial evidence to warrant an execution of their own.

The statement of conversations with the heads of Departments must certainly be erroneously charged on E. It seems impossible that he could have so understood any of us; particularly on the point of letting British ships capture our vessels bound to Continental ports.

I have been endeavoring to recollect the tenor of the Act modifying a continuance of the Non-Intercourse Act, but cannot succeed so as to authorize any opinion on the question whether the failure of the British arrangement puts the Act in force as to her as well as to France. Should this be the case, however apropos it may be in some views, it involves some very serious difficulties in your Department. As the last order is not even a *temporary* fulfilment of the bargain, this must be considered as void ab initio. The trade under it, therefore, is not only unlawful since the 20th of July, but all the direct exports and imports, and all the indirect imports of British productions, previous to that date are retrospectively condemned; this consequence seems the more inevitable, inasmuch as a *temporary* compliance, if commensurate with the range of the bargain, could not give it even a temporary validity, an unqualified compliance being an essential condition on both sides, and actually executed on ours.

From this view of the case, I am extremely anxious to learn what is ascertained to be the true construction of the Act; the more so as there is reason to dread that a restoration and retrospective execution of the Non-Intercourse Act against Great Britain may be made pretext by her for a general warfare on the extensive property already exposed to it. The effect which this will have on our merchants, and through them on the public, makes the Executive responsibility, particularly that of Mr. Rodney, singularly delicate. It would be fortunate if the case could at once be brought before Congress. As this is impossible, it remains to be decided whether the short anticipation of their meeting which is practicable will recommend or not an extra call. The main body of the difficulties must unavoidably precede the effect of it. I hope by the next mail, which comes on Wednesday, to be advised on this subject, as well as on that of my return to the city.

I observe in the newspapers a loud outcry against Jackson, as proscribed by his diplomatic enormities, and inadmissible as a public minister here. I do not know or recollect enough of his history to decide on his character. My general impression is that he has been represented by King as arrogant in his temper and manners, and that he has been an instrument in certain offensive transactions. Under the latter aspect, the objection lies to his masters more than to him. If there be personal objections of any sort to him, he might be rejected on that ground without just offence to his government. But unless his demerits be very flagrant, such indeed as to mark his mission as obviously disrespectful, a refusal to receive him would make both the man and the mission of too much importance, to say nothing of the purposes to which it might be perverted. In the mean time, the choice of such a man to heal the wound in our relations does not look well. It would be refining too much, perhaps, to suspect that he was chosen to be rejected. But it is certainly not so, to believe that he would not have been chosen if the mission was bona fide meant to be a conciliatory one. The death of Judge Duckett, communicated by Mr. Duval, calls for a successor. As you are so near Mr. Duval, will you ascertain his idea of the most proper one, particularly of Mr. Alexander Scott, of Georgetown, recommended from very respectable quarters? Ascertain also whether the cause of business makes it material that the vacancy be filled before the meeting of Congress.

Accept my sincere regards.

GALLATIN TO D. M. ERSKINE, BRITISH MINISTER.

WASHINGTON, 18th August, 1809.

SIR,—I do not believe that in the conversations we have had respecting the practicability of an adjustment of the differences between the United States and Great Britain we ever have misunderstood one another. Yet, as from Mr. Canning's instructions lately published by your government, it would seem that

some opinions were ascribed to several members of this Administration which they did not entertain, it appears necessary to ascertain whether on any point a misapprehension can have taken place.

I will forbear making any observations on what in the instructions is called the third condition, since it is not asserted that that inadmissible proposition was suggested at Washington.

The points embraced in Mr. Canning's first proposition formed the principal topic of our conversations relative to a revocation of the orders in council. Yet, in the manner in which that proposition is expressed, it goes farther than had been suggested by the members of this Administration. It is sufficiently evident, from the proceedings of Congress both previous and subsequent to the unratified agreement of April last, that the United States intended to continue the restrictions on the commercial intercourse with France whilst such of her decrees as violated our neutral rights continued in force, and to remove those restrictions in relation to Great Britain in the event of a revocation of the orders in council. But that state of things, so far as it related to France, was to result from our own laws, known or anticipated by your government when they authorized an arrangement; and it was not proposed by us that the continuance of the non-intercourse with France should be made a condition of that arrangement. Whilst on that subject, I will add an observation, though perhaps not immediately connected with the object of this letter. I think that the object of that proposition, so far as it agreed with your previous understanding of the intentions of this government, has been substantially carried into effect on our part. It is true that your government might, at the date of the instructions, have expected, from the incipient proceedings of Congress, that Holland would be embraced by the restrictive laws of the United States. Not only, however, was the omission nominal, since American vessels were at the time, by the decrees of that country, refused admission into its ports, but, under the same construction of our laws by which the commercial intercourse with Holland was permitted, that with Portugal was also considered as legal in the event of

that country being occupied by British troops in the name of the Prince Regent.

It is therefore principally as respects the second condition, which relates to the colonial trade, that erroneous inferences might be drawn from the expressions used in Mr. Canning's instructions. Although the subject must have been mentioned here incidentally, and only in a transient manner, as it is one to which I had paid particular attention, and on which my opinion had never varied, I think that I can state with precision in what view I have always considered it and must have alluded to it.

1st. I never could have given countenance to an opinion that the United States would agree or that it would be proper to make any arrangement whatever respecting the colonial trade a condition of the revocation of the orders in council. The two subjects were altogether unconnected, and I am confident that such a proposition was never suggested either by you or by any member of this Administration. Such an arrangement could be effected only by treaty; and it is with a considerable degree of surprise that I see your government now asking not only resistance to the French decrees, but the abandonment of a branch of our commerce, as the price of the revocation of the orders in council. This seems to give a new character to a measure which had heretofore been represented as an act of retaliation reluctantly adopted, and had been defended solely on the ground of a supposed acquiescence on the part of the United States in the injurious decrees of another nation.

2d. In the event of a treaty embracing all the points in dispute, and particularly that of impressments, without which I trust no treaty will ever take place, it was my opinion, and I may certainly have expressed it, that if the other subjects of difference were arranged, that respecting the colonial trade would be easily adjusted. I had considered the principles recognized in a former correspondence between Lord Hawkesbury and Mr. King on the subject of the colonial trade, and subsequently again adopted in the treaty negotiated by Messrs. Monroe and Pinkney, as a general basis agreed on under different Administrations by both governments, from which neither

could now recede, and susceptible only of modifications as to details. The instructions to our ministers in London on that subject had also been published, and were known to your government. I therefore believed that the United States, in the event of a treaty, would still be disposed to waive for the present, in the manner and on the terms contemplated by those instructions, their right to that branch, and to that branch only, of the colonial trade known by the name of direct trade,—that is to say, the trade carried directly from belligerent colonies to the belligerents in Europe,—when that trade was not permanently in peace, as in war, permitted by the laws of the country to which these colonies belonged. The right to a trade between such colonies and the United States generally, and to that in colonial articles between the United States and other countries, never can, nor will, in my opinion, be abandoned or its exercise be suspended by this government. On the contrary, it is solely in order to secure, by an express treaty stipulation, that trade against the danger of interruption, and thus by a mutual spirit of accommodation to avoid collisions, that the abandonment of the direct branch can ever be assented to.

Permit me, therefore, to request that you will inform me whether you understood me on those two points as I certainly meant to be understood; namely, that the relinquishment during the present war of what is called the direct trade was alone contemplated, and that no arrangement on that subject was suggested as a condition of the revocation of the orders in council.

I have the honor to be, &c.

GALLATIN TO MADISON.

11th September, 1809.

DEAR SIR,—I did not write till I could inform you where I was going; as otherwise I had nothing to communicate. The lameness of my horses and the late season have induced me to give up my Western excursion, instead of which I will treat

Mrs. Gallatin with a short visit to her mother in New York. We will be there about the 21st inst., remain a week, and return so as to be here about 2d or 3d of October. I do not think that there is any necessity to hurry yourself beyond your convenience in returning here. It will be as well the 10th as the 1st of October. For I am sure, although I have not seen Mr. Jackson, and can judge only from what has passed between him and Mr. Smith, that he has nothing to say of importance or pleasant. I think, on the contrary, that the present delay is favorable. It may give us time to hear the result, or prospect, of Mr. Armstrong's negotiation with France, and it may give Mr. Jackson time to receive more favorable instructions, issued after the late events in Germany.

It appears to me very clear that a peace there will immediately take place without the annihilation or any capital reduction of the power of Austria being made a condition of it. This is the most favorable possible result for us. There will still remain sufficient strength in the north of Europe to make it an object with Bonaparte, and even with England, to soothe those powers as far as consistent with their general system. And it is probable that if everything is and remains quiet on the Continent of Europe, and if Spain is reduced, that England will be pushed so hard that they will be compelled to do us some justice.

With respectful attachment, yours.

MADISON TO GALLATIN.

MONTPELIER, September 25, 1809.

DEAR SIR,—I have received your favor of the acquainting me with your proposed trip to New York. I had entered into the same train of ideas with yours as to the probable state of Jackson's situation and wishes. It is difficult, at the same time, to reconcile them with the tenor of Canning's last conversation with Pinkney, especially as Erskine's defensive explanations accompanying his arrangement must have suggested to C.

the probability of the actual continuance of the non-intercourse against France, and the propriety of accommodating his instructions to such a state of things. On the other hand, how account for Jackson's apparent patience and reserve, without supposing that his authorized disclosures would not be either operative or agreeable? I propose to set out about the 29th, and to be in Washington on Sunday next. Be assured always of my sincere and affectionate respect.

GALLATIN TO GOVERNOR W. H. HARRISON.

WASHINGTON, 27th September, 1809.

DEAR SIR,—I have on my return from a short excursion found your private letter of 29th ult. I was and still am decidedly opposed to the introduction of slavery into any part of the Union where it does not exist or can be checked. But this is a subject on which I differ in opinion with many valuable friends; and it is with great regret that I find that a difference of opinion on that point should have produced anything like personal hostility between you and my friend Badollet. In justice to him I must say that he has never written to me disrespectfully of you or against you. He once barely stated the fact of his being opposed to you on the subject of slavery; and I am confident that no application or even hint will come from him to me suggesting that another governor ought to be appointed. On that subject my opinion may not perhaps even be asked; but I have no hesitation in saying that it is in favor of your reappointment.

As to Mr. John Randolph, he certainly admires the British nation more than I do; and I think that some of his speeches respecting our foreign relations have been very wrong and have done some injury to America. But I never said what I am sure is false, that he was under British influence. No man is more free of extraneous influence of any kind than he is.

I am, &c.

GALLATIN TO JEFFERSON.

WASHINGTON, November 8, 1809.

DEAR SIR,—I perused your affectionate letter of the 11th ult.[1] with lively sensations of pleasure, excited by that additional evidence of your continued kindness and partiality. To have acquired and preserved your friendship and confidence is more than sufficient to console me for some late personal mortifications, though I will not affect to conceal that these, coming from an unexpected quarter, and being, as I thought, unmerited, wounded my feelings more deeply than I had at first been aware of. [Had I listened only to those feelings, I would have resigned and probably taken this winter a seat in Congress, which, as a personal object, would have been much more pleasing than my present situation, and also better calculated to regain the ground which, to my surprise, I found I had lost, at least in one of the branches of the Legislature. After mature consideration, I relinquished the idea, at least for that time, in a great degree on account of my personal attachment to Mr. Madison, which is of old standing, I am sure reciprocal, and strengthened from greater intimacy; and also because I mistrusted my own judgment, and doubted whether I was not more useful where I was than I could be as a member of Congress. All this passed in my mind before the last session, and the communication which I made to you at Monticello arose from subsequent circumstances.][2]

Yet I can assure you that I will not listen to those feelings in forming a final determination on the subject on which I conversed with you at Monticello. The gratitude and duty I owe to the country which has received me and honored me beyond my deserts, the deep interest I feel in its future welfare and prosperity, the confidence placed by Mr. Madison in me, my personal and sincere attachment for him, the desire of honorably acquiring some share of reputation, every public and private motive, would induce me not to abandon my post, if I am per-

[1] See the letter of 11th October, 1809, in Jefferson's Works, v. 477.

[2] Omitted in the draft as sent.

mitted to retain it, and if my remaining in office can be of public utility. But in both respects I have strong apprehensions, to which I alluded in our conversation. It has seemed to me from various circumstances that those who thought they had injured were disposed to destroy, and that they were sufficiently skilful and formidable to effect their object. As I may not, however, perhaps see their actions with an unprejudiced eye, nothing but irresistible evidence, both of the intention and success, will make me yield to that consideration. But if that ground which you have so forcibly presented to my view is deserted; if those principles which we have uniformly asserted and which were successfully supported during your Administration are no longer adhered to, you must agree with me that to continue in the Treasury would be neither useful to the public nor honorable to myself.

The reduction of the public debt was certainly the principal object in bringing me into office, and our success in that respect has been due both to the joint and continued efforts of the several branches of government and to the prosperous situation of the country. I am sensible that the work cannot progress under adverse circumstances. If the United States shall be forced into a state of actual war, all the resources of the country must be called forth to make it efficient, and new loans will undoubtedly be wanted. But whilst peace is preserved, the revenue will, at all events, be sufficient to pay the interest and to defray necessary expenses. I do not ask that in the present situation of our foreign relations the debt be reduced, but only that it shall not be increased so long as we are not at war. I do not pretend to step out of my own sphere and to control the internal management of other Departments. But it seems to me that as Secretary of the Treasury I may ask that, whilst peace continues, the aggregate of the expenditure of those Departments be kept within bounds such as will preserve the equilibrium between the national revenue and expenditure without recurrence to loans. I cannot, my dear sir, consent to act the part of a mere financier, to become a contriver of taxes, a dealer of loans, a seeker of resources for the purpose of supporting useless baubles, of increasing the number of idle and dissipated

members of the community, of fattening contractors, pursers, and agents, and of introducing in all its ramifications that system of patronage, corruption, and rottenness which you so justly execrate. I thought I owed it to candor and friendship to communicate as I did to Mr. Madison and to yourself my fears of a tendency in that direction, arising from the quarter and causes which I pointed out, and the effect such a result must have on my conduct. I earnestly wish that my apprehensions may have been groundless, and it is a question which facts, and particularly the approaching session of Congress, will decide. No efforts shall be wanted on my part in support of our old principles. But, whatever the result may be, I never can forget either your eminent services to the United States nor how much I owe to you for having permitted me to take a subordinate part in your labors.

GALLATIN TO JOHN W. EPPES, CHAIRMAN OF COMMITTEE OF WAYS AND MEANS.

TREASURY DEPARTMENT, February 26, 1810.

SIR,—I have the honor to submit the following observations in answer to the several objects of inquiry embraced by your letter of the 8th ultimo. The amount of extraordinary expenses which may be authorized by Congress being yet unascertained, it is not, even at this time, practicable to state with precision the sum which may be wanted on loan for the service of this year. And in relation to ensuing years it would be premature to lay down any general rules respecting the most eligible mode of borrowing sums of money commensurate with the exigencies of the United States in case of war. It is, therefore, thought sufficient for the present to point out some of the most obvious means of effecting loans generally, leaving it a subject of subsequent consideration to decide, according to existing circumstances, on the most eligible mode, and on the arrangement of details.

The inquiries of the Committee of Ways and Means apply to the three following points: 1st. What is the most eligible mode of obtaining money by loan, keeping in view both the facility of

borrowing sums commensurate with the exigencies of the United States and the ultimate extinguishment of the debt contracted? 2dly. To what extent can an increase of importation be carried with safety? 3dly. Can any other resources, besides taxes and loans, be relied on for immediate revenue?

Loans.—1st. The commissioners of the sinking fund will, out of the annual appropriation of eight millions of dollars for the payment of the debt, reimburse, in 1810, the residue of the exchanged six per cent. stock, amounting to $3,750,000, and, in 1811, the whole of the converted six per cent. stock, amounting to $1,860,000. It is probable that the owners of those two species of stock would consent to re-loan the amount, provided it was made irredeemable for a few years.

2d. It has already been stated, in the annual report of November 5, 1807, referred to in that of this year, "that the several banks of the United States might find it convenient, as the diminished commerce of the country might require less capital, to loan to government a considerable portion of their capital stock, then computed at about forty millions of dollars." Such temporary loans can be obtained only to a limited amount, but they are convenient in two respects: 1st. They do not diminish the facility of obtaining other loans from individuals, inasmuch as they do not increase the amount of stock at market. 2dly. Being redeemable at will, and in any sums which may suit the convenience of government, interest is paid only as long as the money is wanted; and the extinguishment of the debt contracted is rendered more easy and certain.

3d. Loans may be obtained from individuals to an extent commensurate with the national capital, and limited by the existing demand for that capital for private purposes. The terms must vary according to circumstances, always giving the preference to the most simple form that can effect the object. A portion of the public lands may perhaps, if necessary, either as a premium or by giving an option to subscribers, be advantageously applied in facilitating loans or improving their terms.

4th. Treasury notes bearing interest, and payable to order one year after date, may be annually issued, to a moderate amount,

and be put in circulation, both through the medium of banks, and in payment of supplies. A portion would be absorbed during the year by the payment of public lands and revenue bonds, and the redemption of the residue be provided for by the loan of the ensuing year. This annual anticipation of the revenue, though liable to abuse, may, if kept within strict bounds, facilitate both the collection of the revenue and the loans themselves.

In relation to the extinguishment of the debt contracted, those who borrow can do nothing more than to provide and pledge funds sufficient for that object, and to give such a form to the debt as may not impede its redemption. To render it irredeemable for no longer time than is necessary in order to obtain the money; to make it reimbursable by instalments at fixed periods; never to create, for the sake of diminishing the annual interest, a greater nominal amount of stock than the sum actually borrowed; and, above all, never incur expenses which are not actually necessary for the defence or welfare of the country; are principles essential for a nation which does not contemplate a system of perpetual and increasing debt. But for its actual reimbursement we must principally depend on the return of prosperous circumstances, on the growing resources of the country, and on the wisdom of our successors. The artificial provisions of a sinking fund may always be rendered inefficient by the necessities or extravagance of government. The real amount of a national debt cannot be diminished unless the aggregate of revenue, including the funds assigned to the sinking fund, and exclusively of new loans, exceeds the aggregate of expenditures other than those for the payment of the principal of the debt. Favorable circumstances and a rigid economy in the current expenses have enabled the United States to reimburse, during the last eight years, one-half of the debt created by the Revolutionary war and during some of the ensuing years. Similar circumstances and an adherence to the same principles will be requisite to secure the actual reimbursement of the debt which it may now be necessary to contract. But that government will possess resources amply sufficient for that object cannot be doubted. The proceeds of the public lands would alone, slowly, perhaps, but

certainly, extinguish a much greater debt than the United States have it now in their power to create. And it is sufficiently ascertained that the national wealth of the United States, and, therefore, the means of raising revenue, increase in a ratio still more rapid than their population,—a population which almost doubles every twenty years.

These considerations, connected with others, stated at large in the annual reports of November, 1807, and December, 1808, produced a conviction that loans might, without danger, be resorted to as the principal resource for supporting a war. Permit me at the same time to observe that the suggestion has been confined to that object alone, and that, excepting the case of war, either immediate or contemplated, it appears consistent with sound policy to raise during the year the means of defraying all the national expenses, borrowing no larger sum than the amount of principal of old debt paid during the year. The propriety of providing, even in time of war, a revenue equal to the annual expenses on a peace establishment, the interest of the existing debt, and that on the loans which may be raised, has also been suggested in former reports.

Increase of Duties.—On that subject but little can be added to the opinions expressed on former occasions. I still think that this source of revenue is, in the United States and at this time, the most productive, the easiest to collect, the least burdensome to the great mass of the people; and that the duties on importation generally may, in case of war, be doubled without inconvenience or danger.

In time of peace, and particularly under existing circumstances, habits of smuggling might be promoted by so great an increase. But the precise rate which may with safety be adopted can only be a matter of opinion, to be tested by experience. I would not hesitate, however, to mention an additional duty of five per cent. on merchandise paying ad valorem duties, and an increase of 33⅓ per cent. on the existing duties on all other articles, as attended with very little danger, and preferable to any other new source of taxation. A renewal of the duty on salt, which produced six hundred thousand dollars a year, may be exceptionable in other respects, but, on account

of the bulk of the article, is liable to no objection in the present view of the subject.

It was stated in the annual report of December last, that an increase of duties would not, on account of the terms of credit allowed for the payment of duties, supersede the necessity of a loan for the service of this year. The amount of that loan might, of course, be diminished if no credit, or a credit of only sixty days, was allowed for the payment of the proposed additional duties.

Public Lands.—These constitute the only great national resource, exclusively of loans and taxes. They have already been mentioned as forming a fund for the ultimate extinguishment of the public debt; and the possibility of their being used as a means of facilitating loans has been suggested. A portion might also be usefully applied as a bounty to officers and soldiers, whenever it may become necessary to raise a considerable force. But, as an object of immediate revenue, I much doubt whether this can be materially increased without a radical change in the present system.

Not less than ten land offices are now in full operation, offering a great choice of good lands, situated in various climates, and suited to the habits of the citizens of every portion of the Union. They are sold at the rate of two dollars and sixty-four cents, if paid for at the time of purchase, and in tracts of one hundred and sixty acres. As much is sold as there is actual demand for land in similar situations at that price. The sales are, however, almost exclusively confined to those who are, or intend to become, actual settlers, and all the money which can be raised by that description of purchasers is annually paid to the United States. In order to increase immediately the amount of sales, a different capital from that which has heretofore been applied to that object—the capital of persons who will purchase for the purpose of selling again with a profit—must be brought into action. But it is evident that no person will purchase lands at the present price as an object of speculation whilst the United States continue to sell at the same price in small tracts. To effect the proposed object it would be necessary not only to reduce the price, but to make a difference between that of lands

sold in large tracts and that asked for small tracts, sufficient to encourage purchases on an extensive scale. That alteration might produce an additional revenue, but appears to me extremely injurious in other respects. The present system of sales has been tried, and answers the expectations of the Legislature. A gradual increase must, notwithstanding some temporary fluctuations, necessarily take place. On that I would rely; nor would I venture to suggest any other change than that already proposed on a former occasion,—a moderate and general reduction of prices, discontinuing at the same time all sales on credit, but continuing to sell at the same rate large or small tracts of land.

I have the honor to be, very respectfully, sir, your obedient servant.

[Enclosure.]

Extract from the annual report of the Secretary of the Treasury, dated November 6, 1807:

"It will be sufficient to state, 1st. That it appears necessary to provide a revenue at least equal to the annual expenses on a peace establishment, the interest of the existing debt, and the interest on the loans which may be raised. 2d. That those expenses, together with the interest of the debt, will, after the year 1808, amount to a sum less than seven millions of dollars, and therefore that, if the present revenue of fourteen millions five hundred thousand dollars shall not be diminished more than one-half by a war, it will still be adequate to that object, leaving only the interest of war loans to be provided for.

"Whether taxes should be raised to a greater amount, or loans be altogether relied on, for defraying the expenses of a war, is the next subject of consideration.

"Taxes are paid by the great mass of the citizens, and immediately affect almost every individual of the community; loans are supplied by capitals previously accumulated by a few individuals. In a country where the resources of individuals are not generally and materially affected by the war, it is practicable and wise to raise by taxes the greater part at least of the annual supplies. The credit of a nation may also, from various circum-

stances, be, at times, so far impaired as to leave no resource but taxation. In both respects the situation of the United States is totally dissimilar.

"A maritime war will, in the United States, generally and deeply affect, whilst it continues, the resources of individuals; as not only commercial profits will be curtailed, but principally because a great portion of the surplus of agricultural produce necessarily requires a foreign market. The reduced price of the principal articles exported from the United States will operate more heavily than any contemplated tax. And, without inquiring whether a similar cause may not still more deeply and permanently affect a nation at war with the United States, it seems to follow that, so far as relates to America, the losses and privations caused by the war should not be aggravated by taxes beyond what is strictly necessary. An addition to the debt is doubtless an evil; but, experience having now shown with what rapid progress the revenue of the Union increases in time of peace, with what facility the debt, formerly contracted, has in a few years been reduced, a hope may confidently be entertained that all the evils of the war will be temporary and easily repaired, and that the return of peace will, without any effort, afford ample resources for reimbursing whatever may have been borrowed during the war.

"The credit of the United States is also unimpaired, either at home or abroad; and it is believed that loans, to a reasonable amount, may be obtained on eligible terms. Measures have been taken to ascertain to what extent this may be effected abroad. And it will be sufficient here to suggest that the several banks of the United States may find it convenient after the ensuing year, and as the diminished commerce of the country may require less capital, to loan to government a considerable portion of their capital stock, now computed at about forty millions of dollars.

"It might be premature to enter into a particular detail of the several branches of revenue which may be selected in order to provide for the interest of war loans, and to cover deficiencies in case the existing revenue should fall below seven millions of dollars. A general enumeration seems at present sufficient:

"1. Not only the duty on salt and the Mediterranean duties

may be immediately revived, but the duties on importation generally may, in case of war, be considerably increased, perhaps doubled, with less inconvenience than would arise from any other mode of taxation. Without resorting to the example of other nations, experience has proven that this source of revenue is, in the United States, the most productive, the easiest to collect, and the least burdensome to the great mass of the people. In time of war the danger of smuggling is diminished, the scarcity of foreign articles prevents the duty ever falling on the importer, the consumers are precisely those members of the community who are best able to pay the duty, and the increase of domestic manufactures, which may be indirectly effected, is in itself a desirable object.

"2. Indirect taxes, however ineligible, will doubtless be cheerfully paid as war taxes if necessary. Several modifications of the system formerly adopted might, however, be introduced, both in order to diminish some of the inconveniences which were experienced, and, particularly, to insure the collection of the duties.

"3. Direct taxes are liable to a particular objection, arising from the unavoidable inequality produced by the general rule of the Constitution. Whatever difference may exist between the relative wealth and consequent ability of paying of the several States, still the tax must necessarily be raised in proportion to their relative population. Should it, however, become necessary to resort to that resource, it is believed that a tax raised upon that species of property in each State, which, by the State laws, is liable to taxation, as had originally been contemplated by Congress, would be preferable to a general assessment, laid uniformly on the same species of property in all the States, as was ultimately adopted."

[Enclosure.]

Extract from the annual report of the Secretary of the Treasury, of December 10, 1808:

"It is certainly only with a view to war, either immediate or contemplated, that it will become necessary to resort, at least to any considerable extent, to extraordinary sources of supply.

"Legitimate resources can be derived only from loans or taxes; and the reasons which induce a belief that loans should be principally relied on in case of war were stated in the annual report of last year. That opinion has been corroborated by every subsequent view which has been taken of the subject, as well as by the present situation of the country. The embargo has brought into and kept in the United States almost all the floating property of the nation. And whilst the depreciated value of domestic products increases the difficulty of raising a considerable revenue by internal taxes, at no former time has there been so much specie, so much redundant unemployed capital, in the country. The high price of public stocks, and, indeed, of all species of stocks, the reduction of the public debt, the unimpaired credit of the general government, and the large amount of existing bank stock in the United States, leave no doubt of the practicability of obtaining the necessary loans on reasonable terms.

"The geographical situation of the United States, their history since the Revolution, and, above all, present events, remove every apprehension of frequent wars. It may, therefore, be confidently expected that a revenue derived solely from duties on importations, though necessarily impaired by war, will always be amply sufficient, during long intervals of peace, not only to defray current expenses, but also to reimburse the debt contracted during the few periods of war.

"No internal taxes, either direct or indirect, are therefore contemplated, even in the case of hostilities carried on against the two great belligerent powers. Exclusively of the authority which must from time to time be given to borrow the sums required (always providing for the reimbursement of such loans within limited periods), and of a due economy in the several branches of expenditure, nothing more appears necessary than such modifications and increase of the duties on importations as are naturally suggested by existing circumstances.

"Although importations have already considerably diminished, and may, under the system now in force, shortly be altogether discontinued, no reasonable objection is perceived against an increase of duties on such as may still take place.

"Had the duties been doubled on the 1st of January, 1808, as was then suggested, in case of war, the receipts into the Treasury during that and the ensuing year would have been increased nine or ten millions of dollars. Those articles of most universal consumption, on which an increase of duty would be inconvenient, are generally either free of duty or abundant; it is, therefore, proposed that not only the Mediterranean duties, which will expire on the first day of January next, should be continued, but that all the existing duties should be doubled on importations subsequent to that day."

GALLATIN TO THE NATIONAL INTELLIGENCER.

21st April, 1810.

Amongst the papers lately laid before the British Parliament respecting American affairs is a despatch from Mr. Erskine to Mr. Canning, dated 4th December, 1808, which principally relates to a conversation between Mr. Erskine and myself. This took place at my house, and without any previous appointment; but, as Mr. Erskine had during the previous week conversed with Mr. Madison, I was prepared for the subjects, and every sentiment I uttered was in perfect unison with those of the President and of the Secretary of State. What was meant by colonial trade has already been explained by Mr. Erskine; but as his own share in those conversations with several members of the Administration is in his despatches altogether omitted, and the conditions expected by the United States from Great Britain are not distinctly explained, it is proper to state briefly the general grounds which were considered here as forming a proper basis for an adjustment of differences, if a conciliatory disposition was found to exist on the part of the British government.

1. Reparation for the attack on the Chesapeake. The President's proclamation merging in the proposed Non-Intercourse Act, by which the public ships of both Great Britain and France would be excluded from the ports of the United States, the

ostensible obstacle to making the reparation acknowledged to be due was removed.

2. Orders of council. To be repealed simply on the ground of the Non-Intercourse Act applying in that event exclusively to France, so long as her decrees violating the neutral rights of the United States continued in force.

3. Impressment of seamen. To be entirely abandoned, America agreeing to exclude from her navigation seamen not citizens of the United States, on the principle contained in the instructions of the 20th May, 1807, to Messrs. Monroe and Pinkney, which, on account of the rupture of the negotiations, were not in that respect acted upon.

4. Colonial trade. The right to the direct trade, viz., that carried directly from the colonies to the belligerents in Europe, to be waived by the United States, provided that the trade between the United States and the colonies, and that in colonial articles between the United States and other countries, was formally recognized, according to the principles contained in the same instructions.

5. Commercial relations. The partial Non-Importation Act of the United States, and the convoy and other extra duties of Great Britain, to be repealed; and generally every source of collision, arising from that species of commercial warfare, to cease by a mutual repeal of all discriminating duties, in conformity with the instructions to Messrs. Monroe and Pinkney before mentioned. The two nations to place each other in every other respect on the footing of the most favored nation.

On this last point my observations were general and equally applying to both countries, the system of restrictions which those of Great Britain had forced the United States to adopt being equally injurious to both. And Mr. Erskine is mistaken in supposing that I would have preferred at first measures of a more decided nature to the embargo.

Mr. Erskine appears, so far as can be inferred from the correspondence now published, to have supposed that in order to induce his government to take into consideration those propositions, and to adopt a conduct consistent with just principles and with the great and permanent interests of Great Britain, it was

absolutely necessary to dissipate the prejudices they had imbibed; and his efforts seem accordingly to have been principally used in trying to convince them of the sincere disposition of the members of the American Administration to adjust the differences between the two countries. Knowing the earnestness of his endeavors in promoting that object, the difficulties he had to encounter in his attempts to induce the British Ministry to take a comprehensive and correct view of the subject, and the sanguine temper which he discovered throughout the whole transaction, I feel no disposition to cavil at the general coloring of the language ascribed either to other members of the Administration or to myself. But there is part of the despatch in which I cannot for a moment acquiesce.

From casual expressions imperfectly understood and incorrectly stated, and from what he calls "my manner and slight insinuations," Mr. Erskine infers that I thought that the President (Mr. Jefferson) had acted with partiality towards France, and that I had attempted to contrast Mr. Madison's sentiments in that respect with those of the President.

That Mr. Erskine's object was to use the change of Presidency as an argument to induce the British Ministry to alter their measures towards America, and that the opinions thus ascribed to me were his own, is sufficiently obvious from the whole tenor of his despatch. But the inference as it relates to me is totally erroneous; and Mr. Erskine must have mistaken my assent to the existence of surmises of partiality in Mr. Jefferson towards France for an acquiescence in the truth of them.

I might with truth have spoken of Mr. Madison, not as feeling any particular admiration for the British Constitution and institutions, but as having neither bias nor enmity towards France or England. But I never could or did contrast his sentiments in that respect, or ascribe to him opinions on the subject of our foreign relations at variance with those of Mr. Jefferson.

I know those surmises respecting Mr. Jefferson to be altogether destitute of foundation. To have in the most indirect manner suggested or countenanced a belief in them would have been direct falsehood. So far from having, even by my silence, acquiesced in insinuations of that nature, when Mr. Erskine

once, and once only, dropped a hint to that effect, intimating a supposed hostility to England, and that the President had not placed her conduct in a fair light before the public, I immediately repelled the charge, and, amongst other observations, reminded him that the only time when the British government had by the proposed equalization of duties made an approach of a liberal and conciliatory nature towards America, it was immediately met by the President, who had expressly recommended the subject to Congress in his message; and that the plan had been defeated by the clamor of that party in America which was considered the best disposed towards Great Britain. That on that occasion a change took place in my manner is very probable; but Mr. Erskine has ascribed it to a source very different from that which occasioned it. I had very lately been zealously employed in repelling the charge,—a charge which I never could hear without indignation. Eight years of the most intimate intercourse, during which not an act nor hardly a thought respecting the foreign relations of America was concealed, enable me confidently to say that Mr. Jefferson never had in that respect any other object in view but the protection of the rights of the United States against every foreign aggression or injury, from whatever nation it proceeded, and has in every instance observed towards all the belligerents the most strict justice and the most scrupulous impartiality. His character stands not in need of this declaration; it is due to myself.

The groundless accusations of foreign bias and influence have been generated solely by the virulence of party spirit; and they were adopted abroad as an apology or pretence for unprovoked aggressions. A just sense of the injuries received, and the most temperate efforts to obtain redress, constitute what has been called partiality. And it seems to have been forgotten that from the time when Mr. Jefferson became President till the month of August, 1807, no actual aggression on the neutral rights of America had been committed by France; whilst during the same period the nominal blockades of enemies' ports by England, and the annual actual blockades, as they may be called, of our own; the renewal, contrary to express and mutual explanations, of the depredations on the indirect colonial trade; the continued im-

pressments of our seamen, and the attack on the Chesapeake; had actually taken place.)

During that period the laws, the executive acts, the negotiations of the American government could have been directed to that government alone from whom injuries had been received. But from the time when the rights of the United States were invaded by both the belligerents, every public measure has equally embraced both; the like efforts, founded on the same basis, have uniformly, though without success, been made to obtain redress from both; and the correspondence now published furnishes at least irrefragable proofs of the earnest desire of Mr. Jefferson's Administration to adjust the differences with Great Britain, and of their disposition to remove for that purpose whatever might serve as the shadow of a pretence for a denial of justice on her part.

GALLATIN TO JEFFERSON.

WASHINGTON, 14th July, 1810.

DEAR SIR,—On my return from an excursion to my farm on the Monongahela, I found your letter of 30th May, applying for such papers relative to the Batture as might be in the office. It appears on inquiry and search that there were none, some printed documents excepted, which during my absence had been given to Mr. Graham to be transmitted to you with other papers from the Department of State, through which and the Attorney-General all the communications passed which related to that subject. As I had, however, particularly attended to it, both when the removal took place and during the discussions of last winter, I have prepared and now enclose a sketch of the case, in which I have stated the provisions of the law which authorized the President to act, and tried to arrange under distinct heads all the arguments which have been urged, or have occurred to my mind, respecting the merits of the case. Some of these are doubtless more plausible than substantial; but my object was to omit nothing, and to facilitate, by a short digest, the references to the voluminous publications on the subject, the selection of the

points which it will be proper to make, and that of the evidence necessary to support them. Governor Claiborne, with whom I have conversed, will be in a few days at Monticello; and in reading over with him my sketch you may note the parol or written evidence which it is necessary to obtain, and which he will immediately take measures to obtain at New Orleans.

I also enclose these pamphlets, which you perhaps have not received with the others: Thierri's translation, with the authenticated plans thereto annexed; Livingston's publication (containing Dubigny's and Duponceau's opinions, together with those of the four other Philadelphia lawyers, which will show the probable grounds he means to take, and several documents, viz., the order of sale in 1763, the decree in his favor, &c.); and one of Poydras's speeches, which, pages 14 and 15, contains the appraisement made, in 1797, of B. Gravier's estate to John Gravier, his heir. The whole you will find is valued at 2570 dollars, and necessarily excludes the Batture.

I have forgotten in my sketch to state two points, viz., 1st, that you had taken the opinion of the Attorney-General; 2d, that you are not obliged to prove that E. Livingston had taken possession subsequent to 3d March, 1807, because the order to the marshal does not name Livingston, and directs him only to drive away those who had thus taken possession after said 3d March, 1807.

I presume the object of Livingston to be to obtain, at all events, a sideway decision in favor of his title, *à la mode Marshall;* but he will, I think, try to rest his title, and, indeed, to have the whole question decided, on the ground of the decision by the court of Orleans, as both rendering the President's interference illegal and sufficiently proving his title. If practicable, and not interfering with the ground which will be selected by yourself and your lawyers, it would be desirable to compel him to prove his title (otherwise than by the Orleans court decree) ab ovo down to himself. I am sure that he cannot do it, either as to a clear title to the whole land having descended from the Crown to Gravier, or as to any description of boundaries along the river. Exclusively of what I have stated on that point, it may, I think, be proven that in 1788,

when the suburb was laid out, there was no Batture along the lower part of it; and I believe that no title whatever can be produced for the upper part. See for this last point Dubigny, in the enclosed pamphlet, pages viii. and ix. Governor Claiborne will satisfy you as to the first. I do not believe that I have forgotten anything; but, as you may see that the subject is familiar to me, command me at any time if there is any point on which any explanation may be wanted.

With never-ceasing attachment and respect, yours truly.

Is it necessary to prove that E. Livingston's claim was not filed with the land commissioners till after 1st January, 1808, and after the time limited for that purpose had expired? I think not; but if wanted it may easily be procured.

MADISON TO GALLATIN.

MONTPELIER, August 14, 1810.

DEAR SIR,—I understand that the measures taking by the Bank of the United States for provisionally winding up its affairs are likely to bear hard on the other banks, and that the evil will be increased by the drain on the latter for paying the bonds as they become due in the hands of the former. Would not some remedy be afforded by a distributive transfer (which would also have provisional reference to the fate of the Bank of the United States) of the public money from its present vaults to those of State banks? In that case the sum locked up in the Bank of the United States would be limited to its ten millions, and the State banks be, at the same time, aided in discounting for persons whose discounts are curtailed elsewhere. It is not difficult to foresee the impressions that will be made if, in addition to the general embarrassment resulting to the moneyed interest from the bank operations, they should be chargeable with checking enterprise in purchasing and exporting the produce of the farmers and planters. How far was the aid given the Manhattan Bank a precedent for the course here suggested?

The unsigned letter from New York is enclosed, as well to have your assistance in ascertaining the writer as your advice on the merits of the case.

I have received your favor on the subject of my nephew Macon, but have not yet received the final determination of his father, who is at present absent, as well as his son.

Mr. Jefferson left me this morning, with a request that I would forward to you a paper he has drawn up on the case of the Batture. It will go by the next mail.

As you have seen Irvine, I presume you have gathered the amount of P.'s despatches, and more too. It appears that on the 13th of June no answer had been given to the question whether a repeal of the primitive blockade was objected to; nor any formal offer made of reparation for the attack on the Chesapeake. It was inferred, however, the offer was intended.

Mrs. M. sends her best regards to Mrs. Gallatin. Be pleased to add mine, and to be assured of my affectionate respects.

GALLATIN TO MADISON.

NEW YORK, 21st August, 1810.

DEAR SIR,—I enclose a letter from Mr. Duval on the subject of Brown's estate. I cannot recollect whether his account, &c., were sent to Mr. Pinkney, but will write to-day to have it done. The report, by the last arrival from England, is that he has recovered a part of the money from Brown.

I received last night the Batture paper, which I will return whenever I shall have read it. Is it intended as a brief for the lawyers, or for publication?

It is extremely difficult to make, at this moment, any general alteration in the deposits of public money; for as we grow poorer we are, on the contrary, obliged to concentrate what is left by drawing from the other banks, such as the Manhattan, &c., and by the end of the year we will probably be reduced so low as to make the deposits of no importance to any bank. I believe also that the lessening of discounts by the Bank of the United States

has not produced the effect you apprehend, as it is but trifling, and is far exceeded by the new discounts made by the new banks created since spring in New York, Baltimore, &c. But there is a general diminution of specie; and there may be partial inconveniences to State banks resulting from that source. If instead of a general observation the place or places whence the complaint has arisen are made known to me, a temporary remedy may perhaps be administered. I have already been applied to by the Bank of Columbia, where the evil arose from Davidson's harshness and littleness, and have acted upon it.

Mrs. G. presents her affectionate regards to Mrs. Madison.

Respectfully and affectionately yours.

MADISON TO GALLATIN.

MONTPELIER, August 22, 1810.

DEAR SIR,—I have received your several letters of the 15th, 16th, and 17th. The appointment for the revenue cutter at New Orleans is *approved*, and so noted to the Treasury Department, and a commission for Freeman ordered to be made out without delay.

Poinsett promises, by his qualifications, everything to be expected from a substitute for Gelston. I have sent the returned papers to the Department of State, that new ones may be forwarded to you. It was always my idea that the country beyond the Andes should be joined to Buenos Ayres, but it seems I failed to impart it. The document will now specify both a port in Peru and Chili as within the range of Mr. P., if visitable by him. Should those come to you blank, you will fill them with ports best combining commercial importance and proximity to the seats of government. Your hints as to Sumter and the Brazilian relations to South America have been attended to. Rio Janeiro is in every view an eligible route for Mr. P. An advance of $1500 is stated to the Department of State. It may be well for you to suggest the best mode of making it from the Treasury. Secrecy as far as possible is desirable. It will not do to apply for a

Spanish passport; although I fear the want of it may be a serious difficulty, unless Sumter's letters of introduction should answer an equivalent purpose. The Spanish consul at Baltimore, on discovering that Lowry was going to Caracas, entered a formal complaint, on the ground that it was contrary to the colonial system. And to ask a passport, as for a private person, to cover a political one would not, of course, be allowable, if in these suspicious times it were not probably unattainable.

I enclose, at the request of Mr. Jefferson, a note to a paragraph in his case of the Batture contained in my last; intended to make his argument more clear and apposite.

The last despatch from Armstrong is no later than May 24. It relates merely to the proceedings under the Rambouillet decree. Mr. Graham mentions a letter from Warden, of June 10, as unimportant. I have a private letter from A., of May 24, which contains the passage following: "The Imperial decree of March 23 sufficiently indicates its own cause, though, from the personal explanations given to me, it would appear to have been less the result of the law itself than of its non-execution; which was construed, and with some plausibility, into a partiality for English commerce. 'My wishes and interests (said the Emperor the other day) both lead to a free and friendly connection with the United States; but I cannot see with indifference on the part of this power measures which expressly favor the trade of my enemy. Such is their non-intercourse law, which by its own provisions, however faithfully executed, would not be equal in its operations, but which, so far from being faithfully executed, has been violated with impunity from its date to the present day, much to my prejudice, and greatly to the advantage of the British commerce.' The error in this reasoning is in not going farther back for premises." He glances at some faint indications of jealousy between France and Russia, and at an anticipated marriage between a prince of Prussia and a daughter of Lucien Bonaparte. In a preceding letter he alludes to a like one between Ferdinand and the second daughter of the Emperor Francis, with a view to its bearings on South America, and warns us that a champ de bataille may then be found with the United States.

I have a long letter from Judge Toulmin, which authenticates the reality of a combination headed by Caller and Kenady for the purpose of occupying Mobile, &c. The object is not denied, an impunity avowedly inferred from the impossibility of finding a jury to convict. The party engaged amounts, as given out, to about 400. The conquest is to be offered to the United States. Kenady is said to be on a visit to Georgia to consult the Senators of that State, whose advice is to be followed. It is not improbable, therefore, as is intimated, that this movement is intended to cover a retreat from the project.

The commandant at Fort Stoddart has written for reinforcements, which are eligible, if practicable, in a general reference to that quarter.

You will have seen the projected constitution for West Florida, and noted, among other particulars, the power to the temporary government *to grant lands*. Should it become necessary for the Executive to exercise authority within these limits before the meeting of Congress, I foresee many legal difficulties. What is to be done on the subject of the custom-house in such an event?

Be assured of my esteem and best wishes.

I can say nothing as to Poinsett's military views, more than that no particular decision is contemplated. Should his services be needed hereafter, the use now made of him sufficiently denotes a disposition not to throw him out of sight.

MADISON TO GALLATIN.

MONTPELIER, September 5, 1810.

DEAR SIR,—I have received your favor of the 21st August. I cannot say precisely what use is to be made of the paper on the Batture in its present form. If it be intended for publication directly, as well as through a report of the arguments at the bar, some alterations will be proper.

It appears that Brown, partly by the application of the Alien law, partly in consequence of his operations under a fictitious

name, had fallen completely under the power of Pinkney, and had given up between 30 and 40,000 dollars, with a promise of somewhat more. The opinion of council was that no civil action could be sustained with no further evidence of debt than the letter from Savage, our agent at Jamaica, the only evidence then possessed by Mr. P.

The enclosed letter from Ronaldson will strengthen the motives to caution in facilitating the passage of French emigrants.

Our farmers here never experienced such prosperity. They have reaped a double crop of wheat, and get a double price; at the same time that, manufacturing for their own use, they will have little occasion, as indeed they seem to have little inclination, to lay it out in the usual purchases. They are very sore, nevertheless, at the national humiliation stamped on the present state of things.

I hope Poinsett has received his outfit of documents, and will now find an easy access to his destination.

Mrs. M. presents her best regards to Mrs. Gallatin. Be pleased to add mine, and to accept assurances of my great esteem and friendly wishes.

GALLATIN TO MADISON.

NEW YORK, 5th September, 1810.

DEAR SIR,—At Mr. Astor's request I enclose a letter which he read to me. I gave him no opinion on the contents. But he desired me to request that if it was not thought proper to give to the person he means to send a recommendatory letter for Mr. Adams, the enclosed might be considered as private, and not be sent to the Department of State.

I have not yet received the papers for Mr. Poinsett; but, there having been no opportunity for either Brazil or La Plata, the delay has not been injurious. Whenever they come, your observations will be duly attended to.

The sickness and death of Colonel Few's only son have within the last week occupied all my time, and prevented my reading, with the attention due to it, Mr. Jefferson's memoir on

the Batture. I suppose that my keeping it a week longer will produce no inconvenience; but beg if you see him that you will have the goodness to make this apology for the delay.

I understand that Mr. Pinkney has recovered near ten thousand pounds sterling from Brown, but have not heard from him on the subject.

If we can get over the other difficulties respecting West Florida, the business of the custom-house will offer none, the laws having been so worded as to include in the districts of Orleans and Mobile whatever we may claim and possess. This was the ground of offence to Yrujo. The law also which authorizes the President to take possession of Louisiana will legally cover any other measures which policy may dictate in relation to that part of West Florida which lies between the Mississippi and the Perdido. But what ground ought generally to be taken consistent with justice, the rights and interests of the United States, and the preservation of peace, is the difficult question.

Mrs. G. requests to be affectionately remembered to Mrs. Madison.

With great respect, your obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, September 10, 1810.

DEAR SIR,—I return the memoir on the Batture, which to me appears complete and conclusive. The legal parts of the argument, being less within my competence, I would probably have abridged in some respects, and my arrangement would have been somewhat different. But yours may be better in itself, and I really cannot even suggest any important alteration or omission. I have in the enclosed paper noted, as I read for the second time, such observations as occurred respecting details. That Congress ought to defend the suit there is no doubt. The only difficulty lies in the incredible hold which Livingston had the address to take of many members in every other respect friendly, which rendered it for a while doubtful whether that

body would not interfere in an improper manner. Of such interference there is now no danger, and the suit against you has excited an indignation which must forbid his success in any shape with Congress. Still, it may be difficult to induce men who have committed themselves by votes favorable to his pretensions to take now an opposite course; and it would be mortifying and dangerous to fail after having made the attempt. I therefore think that the best way will be to ascertain in the first place whether a resolution to defend the suit can be carried or not, before it is attempted. Precedents are not wanting. Congress by law advanced five hundred dollars to Dexter to defend the suit for damages instituted against him on account of the destruction by fire of the War Office; and I have directed numerous suits against collectors for seizures and detentions under the embargo to be defended by the district attorneys or at public expense. Of the final result as it relates to yourself there can be no doubt; but it is truly vexatious that your peace should be disturbed and your attention diverted from favorite pursuits by the resentment of an unprincipled and delinquent speculator; and very unjust to compel you to incur the trouble of collecting at New Orleans evidence of facts notorious indeed, but not legally proven. Yet of the necessity of doing this, if Congress does not, I am aware. You know, I presume, that Livingston sailed about eight weeks ago for New Orleans, and, as is reported, for the sole purpose of collecting such evidence as may favor his views. I will only add that a domestic affliction in the family of a near friend has prevented an earlier attentive perusal of your memoir, and that you will find your additional note to page 36 in its proper place. Is not Moreau's opinion still in Rodney's hands? I have never seen it.

I need not say how much shocked I was by Erskine's despatch. However reluctant to a newspaper publication, and to a denial on matters of fact, I could not permit my name to be ever hereafter quoted in support of the vile charges of foreign partialities ascribed to you; and I knew that in that respect my disavowal would be decisive. For, if my testimony was believed, they did not exist; and if disbelieved, no faith could be placed in whatever I might be supposed to have said to Erskine. Although

I never for a moment supposed that either his letter or any newspaper attack could, after so long and intimate acquaintance, create a doubt in your mind of the sincerity and warmth of my sentiments towards you, or alter your friendship for me, the assurance was highly acceptable and gratefully received. The newspaper publications to which you allude I have heard of but not seen, having not received the papers south of this place during my stay here. But I had anticipated that from various quarters a combined and malignant attack would be made whenever a favorable opportunity offered itself. Of the true causes and real authors I will say nothing; and however painful the circumstance and injurious the effect, the esteem of those who know me, and the consciousness of having exclusively devoted my faculties to the public good and of having severely performed public duties without regard to personal consequences, will, I hope, support me against evils for which there is no other remedy. Yet that a diminution of public confidence should lessen my usefulness will be a subject of deep regret.

Accept, I pray, the assurances of my sincere respect and constant affection and gratitude.

MADISON TO GALLATIN.

MONTPELIER, September 12, 1810.

DEAR SIR,—I have received your favor of the 5th, enclosing one from Mr. Astor. Whatever personal confidence may be due to him, or public advantage promised by his projected arrangement with the Russian Fur Company, there is an obvious difficulty in furnishing the official patronage which he wishes, whether the arrangement be regarded as of a public or of a private character. In the former, it would require the solemnities of a treaty; in the latter, it would be a perplexing precedent, and incur the charge of partiality; and in either, is forbidden by the proposed article depriving others, under the description of transient traders, of the common rights of American citizens. Although the Russian government or the Fur Company may make such a distinction of themselves, it would

be wrong for this government to be a party to it: first, because it would favor a monopoly, contrary to constitutional principles; next, because in a general and political view such distinctions from foreign sources are justly regarded as an evil in themselves. The most that seems admissible would be an instruction to Mr. Adams to promote the opening of the Russian market *generally* to the articles which are now excluded, and which may be exported from the United States. To such an instruction no objection occurs; and, if it be thought advantageous, may be given. In the mean time I shall not send Mr. Astor's letter to the Department of State, nor take any step till I hear again from you. Mrs. M. sends her best regards to Mrs. Gallatin. Accept my best wishes.

The sooner you send to Mr. J. the Batture paper, the better, as the use of it by his counsel is expedient; and I am not sure that the session of the court may not be near. I shall be at Monticello in a day or two, and will explain the delay as you desire.

GALLATIN TO MADISON.

NEW YORK, 17th September, 1810.

DEAR SIR,—I have received the papers for Mr. Poinsett and delivered them to him. We have found a vessel which will sail for Rio Janeiro in two or three weeks; it is the only one bound to Brazil, and there is none for La Plata, even if it was advisable to go directly there. Every circumstance corroborates the opinion that England will try to govern the Spanish colonies through a nominal Spanish regency, and will for that purpose keep up a war in some one corner of Spain, and oppose revolutionary movements in the colonies. I think also that she will attempt to take possession of Cuba, where the Spanish regency may, if necessary, be removed. The English interest and prejudices against us arising from that source will therefore be the principal obstacles to our views in that quarter. These being merely

commercial, and both on that account and from political motives opposed to an undue British ascendency, we may expect new sources of collision. Florida and Cuba are by far the most important objects, and will require some immediate decision. In relation to the last, might not Erving be sent to Havana? which has an immediate connection with Florida, and may become a central point of communication both for Mexico and the Caracas coast.

I expect to set off this day week for Washington, where, I presume, you intend to be about the beginning of October.

With great respect, your obedient servant.

JEFFERSON TO GALLATIN.

MONTICELLO, September 27, 1810.

DEAR SIR,—Yours of the 10th came safely to hand and laid me under new obligations for the valuable observations it contained. The error of 12 feet instead of 7 for the rise of the Batture really *sautoit aux yeux*, and how I could have committed it at first or passed it over afterwards without discovery, and having copied Pelletier's plan myself, is unaccountable. I have adopted also most of your other corrections. You observe that the arguments proving the Batture public, yet prove it of such a character that it could not be within the scope of the law of March 4 against squatters. I should so adjudge myself; yet I observe many opinions otherwise, and in defence against a spadassin it is lawful to use all weapons. Besides, I have no pretensions to be exclusively the judge of what arguments are sound and what not. I give them, therefore, that they may weigh with those who think they have weight and have a right to decide for themselves. That Act of Congress, moreover, was evidently respected, particularly in the order under which the removal was made.

With respect to the arrangement of materials in my statement, I know it is not such as counsel would employ in pleading such

a cause; it is not such as I would have made myself in that character. It was determined by other considerations. I thought it possible the case might be dismissed out of court by a plea to the jurisdiction. I determined, on this event, to lay it before the public, either directly or through Congress. Respect for my associates, for myself, for our nation, would not permit me to come forward, as a criminal under accusation, to plead and argue a cause. This was not my situation. I had only to state to my constituents a common transaction. This would naturally be by way of narrative or statement of the facts in their order of time, establishing these facts as they occur, and bringing forward the law arising on them and pointing to the Executive the course he was to pursue. I suppose it more self-respectful to present it as a history and explanation of what had taken place. It does not, indeed, in that form display the subject in one great whole; but it brings forward successively a number of questions, solving themselves as they arise, and leaving no one unexamined. And the mind, after travelling over the whole case, and finding, as it goes along, that all has been considered, and all is right, rests in that state of satisfaction which it is our object to produce. In truth, I have never known a case which presented so many distinct questions, having no dependence on one another, nor belonging even to the same branches of jurisprudence. After all, I offer this as explanation, not justification, of the order I adopted.

What the issue of the case ought to be, no unbiased man can doubt. What it will be, no one can tell. The judge's inveteracy is profound, and his mind of that gloomy malignity which will never let him forego the opportunity of satiating it on a victim. His decisions, his instructions to a jury, his allowances and disallowances and garblings of evidence, must all be subjects of appeal. I consider that as my only chance of saving my fortune from entire wreck. And to whom is my appeal? from the judge in Burr's case to himself and his associate judges in the case of Marbury *v.* Madison. Not exactly, however. I observe old Cushing is dead. At length, then, we have a chance of getting a Republican majority in the Supreme judiciary. For ten years has that branch braved the spirit and will of the nation, after the nation had manifested its will by a complete reform in every

branch depending on them. The event is a fortunate one, and so timed as to be a Godsend to me. I am sure its importance to the nation will be felt, and the occasion employed to complete the great operation they have so long been executing, by the appointment of a decided Republican, with nothing equivocal about him. But who will it be? The misfortune of Bidwell removes an able man from the competition. Can any other bring equal qualifications to those of Lincoln? I know he was not deemed a profound common lawyer; but was there ever a profound common lawyer known in one of the Eastern States? There never was, nor never can be, one from those States. The basis of their law is neither common nor civil; it is an original, if any compound can so be called. Its foundation seems to have been laid in the spirit and principles of Jewish law, incorporated with some words and phrases of common law, and an abundance of notions of their own. This makes an amalgam sui generis; and it is well known that a man first and thoroughly initiated into the principles of one system of law can never become pure and sound in any other. Lord Mansfield was a splendid proof of this. Therefore I say there never was, nor can be, a profound common lawyer from those States. Sullivan had the reputation of pre-eminence there as a common lawyer, but we have his History of Land Titles, which gives us his measure. Mr. Lincoln is, I believe, considered as learned in their laws as any one they have. Federalists say that Parsons is better; but the criticalness of the present nomination puts him out of question. As the great mass of the functions of the new judge are to be performed in his own district, Lincoln will be most unexceptionable and acceptable there, and on the Supreme bench equal to any one who can be brought from thence. Add to this his integrity, political firmness, and unimpeachable character, and I believe no one can be found to whom there will not be more serious objections.

You seem to think it would be best to ascertain the probable result before making a proposition to Congress to defend Livingston's suit. On mature consideration I think it better that no such proposition should be made. The debates there would fix the case as a party one, and we are the minority in the judiciary department, and especially in the Federal branch of it here. Till

Congress can be thoroughly put in possession of all the points in the case, it is best they should let it lie. Livingston, by removing it into the judiciary, has fairly relinquished all claims on their interference. I am confident that Congress will act soundly whenever we can give them a knowledge of the whole case. But I tire you with this business, and end, therefore, with repeating assurances of my constant attachment and respect.

GALLATIN TO MADISON.

30th November, 1810.

DEAR SIR,—I enclose the substance of a financial paragraph, also a statement of the receipts and expenditures of the year ending 30th September last, and an estimate of those of this quarter. These will supply you with all the facts on which the paragraph is founded.

In the paragraph for military schools I would place in the most conspicuous point of view (when speaking of revision of existing law) the necessity of placing them on a respectable footing. It is now worse than none. I believe that no teacher but a drawing-master is allowed out of the corps, and I know that Hassler as Professor of Mathematics was discharged as not authorized by law.

Respectfully, your obedient servant.

GALLATIN TO MADISON.

5th January, 1811.

DEAR SIR,—At request of Mr. Astor, I beg to be informed whether his son-in-law, Mr. Bentson, can be permitted to have a passage on board the public vessel which is to take Mr. Erving to Europe. I told Mr. B. that I would try to ascertain the fact before Monday. I have thrown some notes on the back of Mr. Astor's letter; be pleased to return his English passport.

Mr. Astor sent me a verbal message that in case of non-renewal of the charter of the Bank United States all his funds and those of his friends, to the amount of two millions of dollars, would be at the command of government, either in importing specie, circulating any government paper, or in any other way best calculated to prevent any injury arising from the dissolution of the bank. Mr. Bentson told me that in this instance profit was not his object, and that he would go great lengths, partly from pride, and partly from wish to see the bank down. As there will be no time to be lost, I think that I had better open a correspondence with him on the subject.

My cold has prevented my calling on you on both subjects.

Respectfully, your obedient servant.

GALLATIN TO MADISON.

[March, 1811.]

DEAR SIR,—I have long and seriously reflected on the present state of things and on my personal situation. This has for some time been sufficiently unpleasant, and nothing but a sense of public duty and attachment to yourself could have induced me to retain it to this day. But I am convinced that in neither respect can I be any longer useful under existing circumstances.

In a government organized like that of the United States, a government not too strong for effecting its principal object,—the protection of national rights against foreign aggressions, and particularly under circumstances as adverse and embarrassing as those under which the United States are now placed,—it appears to me that not only capacity and talents in the Administration, but also a perfect heartfelt cordiality amongst its members, are essentially necessary to command the public confidence and to produce the requisite union of views and action between the several branches of government. In at least one of these points your present Administration is defective, and the effects, already sensibly felt, become every day more extensive and fatal. New subdivisions and personal factions, equally hostile to your-

self and to the general welfare, daily acquire additional strength. Measures of vital importance have been and are defeated; every operation, even of the most simple and ordinary nature, is prevented or impeded; the embarrassments of government, great as from foreign causes they already are, are unnecessarily increased; public confidence in the public councils and in the Executive is impaired, and every day seems to increase every one of these evils. Such state of things cannot last; a radical and speedy remedy has become absolutely necessary. What that ought to be, what change would best promote the success of your Administration and the welfare of the United States, is not for me to say. I can only judge for myself, and I clearly perceive that my continuing a member of the present Administration is no longer of any public utility, invigorates the opposition against yourself, and must necessarily be attended with an increased loss of reputation to myself. Under these impressions, not without reluctance, and after having, perhaps, hesitated too long in hopes of a favorable change, I beg leave to tender you my resignation, to take place at such day, within a reasonable time, as you will think most consistent with the public service. I hope that I hardly need add any expressions of my respect and sincere personal attachment to you, of the regret I will feel on leaving you at this critical time, and the grateful sense I ever will retain of your kindness to me.

RICHARD BRENT TO GALLATIN.

BRENTON,[1] March 22, 1811.

DEAR SIR,—In consequence of Colonel Monroe's being in Albemarle when my letter to him reached Richmond, no answer was received from him till this moment, and I hasten without a moment's delay to enclose it to you. I have another letter which covered the one I now send you. I have no doubt from its tenor that Colonel Monroe will accept of the office of Secretary of State; he has asked my opinion on the subject, and I shall,

[1] Postmarked Dumfries, Va., 23d March.

without hesitation or delay, press him with importunity on the subject; he seems to be extremely anxious, previous to his final decision, to have a personal interview with the President, and suggests to me, if this measure meets with the approbation of the President, that the President should without delay write to him to go on to Washington. He observes in his letter to me that the adjustment of his accounts with the Treasury may serve as the ostensible cause of his trip to Washington.

With great sincerity, respect, and affection, believe me, dear sir, your obedient servant.

[Enclosure.]

MONROE TO BRENT.

RICHMOND, March 18, 1811.

MY DEAR SIR,—When your letter reached this place I was in Albemarle, so that I had not the pleasure to receive it until after my return on the 14th instant. Its contents gave me much concern, which has not been removed by the reflection which I have been able since to bestow on the subject. I have great sensibility to the proposition which seems to be made to me through you as a mutual friend, to come into the Department of State, and many strong motives prompt me to accede to it; but the appointment which I now hold presents a most serious obstacle. I feel that I owe to this State the utmost gratitude for this recent and strong proof of its confidence, and I fear that I should be thought to fail in that delicate and important duty if I relinquished the station in which it has placed me. I shall be glad to receive your further sentiments on this subject. Do you think it possible for me to withdraw from the Executive of this State without exposing myself to this painful imputation, and even lessening the weight which I might otherwise carry into the government?

You intimate that the situation of the country is such as to leave me no alternative. I am aware that our public affairs are far from being in a tranquil and secure state. I may add that there is much reason to fear that a crisis is approaching of a very dangerous tendency; one which menaces the overthrow of the whole Republican party. Is the Administration impressed

with this sentiment and prepared to act on it? Are things in such a state as to allow the Administration to take the whole subject into consideration, and to provide for the safety of the country and of free government by such measures as circumstances may require and a comprehensive view of them suggest? Or are we pledged by what is already done to remain spectators of the interior movement, in the expectation of some change abroad as the ground on which we are to act? I have no doubt from my knowledge of the President and Mr. Gallatin, with the former of whom I have been long and intimately connected in friendship, and for both of whom, in great and leading points of character, I have the highest consideration and respect, that if I came into the government the utmost cordiality would subsist between us, and that any opinions which I might entertain and express respecting our public affairs would receive, so far as circumstances would permit, all the attention to which they might be entitled. But if our course is fixed, and the destiny of our country dependent on arrangements already made, on measures already taken, I do not perceive how it would be possible for me to render any service, at this time, in the general government.

My impression is that no consideration would justify my withdrawing from the Executive of this Commonwealth, unless it had sufficient force to make it a matter of duty, the obligation of which would not be felt by myself alone, but be distinctly understood by the public. Having, however, never failed to accept a trust to which my duty called me, I should not hesitate to accept that proposed if I perceived that the obligation to do so was paramount to that which I owe to this State under my present appointment.

Should there be any objection to communicate with me in this mode on these topics, and a personal interview be preferred, I would with pleasure attend at Washington for the purpose on receiving such an intimation.

I am very sincerely your friend and servant.

MADISON TO GALLATIN.

MONTPELIER, September 14, 1811.

DEAR SIR,—The enclosed letter was brought to me by the young gentleman in whose behalf it was written. He had other respectable recommendations addressed to you, which he has doubtless forwarded. His personal appearance does not make against him. He therefore stands in fair comparison with the other candidates to be taken into view, and who are better known to you than to me.

The accounts by the John Adams fortify the ground on which we stand as to the cessation of the French decrees, but are liable to unfavorable remarks in several points of view. It is evident, however, that there is an increasing desire in the French government to be thought well disposed towards us; the policy of which, particularly at the present moment, explains itself. Mr. Foster, in pursuance of instructions by the special messenger, has put in a formal demand of disavowal and reparation of the affair of the Little Belt, accompanying it with a copy of the instructions under which Bingham cruised. The answer of Mr. Monroe refers to and repeats the explanation given at Washington, adhering to the ground on which no notice of the case, beyond disavowal of hostile orders, could be taken without the obvious preliminary on the part of the British government. The tenor of the instructions to Bingham, and the manner of the communication, afforded an apt occasion for expressing the disposition here to meet every proof of an amicable one on the other side in the way most suited to a favorable and general adjustment of differences. Late communications from Mr. Erving show that the Danish depredations have ceased, and that the loss on the whole will be so reduced as to form no essential proportion to what was threatened. The cases on which the Danish government was most inflexible were those in which our vessels had availed themselves of British convoy; most of them appeared to be desperate.

We are just setting out on a visit for two or three days to Monticello. Mr. Jefferson was with us a week or two ago, and

seemed to enjoy good health, with the exception of a troublesome rheumatic affection near the hip.

Mrs. Madison offers Mrs. Gallatin her affectionate respects. Be pleased to add mine, and to accept them for yourself.

GALLATIN TO MADISON.

[1812.]

DEAR SIR,—I never have from personal considerations interfered with appointments, but for once feel compelled to do it. It appears to me that Mr. Eustis has a rooted aversion for my friend Chrystie. He is one of the very few for whom all unite. The New York delegation was, in common with others, requested to recommend jointly. However discordant on other points, all the members present, with the exception of Mitchill, have recommended him for lieutenant-colonel. Mr. Eustis places him on the list only as major, and, without judging for himself, I had rather that he should not re-enter the army than not have the rank for which he is recommended. When from the want of agreement between the members it becomes necessary to nominate a less number than the State is entitled to, why reject an almost unanimous recommendation, and a man in whose favor the Vice-President and John Smith write? I could add more from my knowledge of the city of New York, where it will be a better received appointment than any other.

The reason why I feel on this occasion is because I apprehend that I am the innocent cause of Chrystie's being obnoxious to Mr. Eustis. It cannot be concealed that he (Chrystie) is a favorite of General Wilkinson, and much attached to him. The enclosed letter, which I had suppressed, is a sufficient proof of it. And it was certainly owing to Mr. Chrystie's connection with Mrs. G.'s family that Wilkinson first noticed him and took him in his family. That a young man of warm feelings should have gratitude for the kind treatment he thus received from the general was a natural consequence, and for which no one would at least impute blame. It is, however, the only cause of prejudice; and I will much regret that my friendship, instead

of aiding him, should ultimately have produced such a contrary effect.

Pardon this intrusion; to which I will only add that, notwithstanding what I felt, I would not have made it had I not seen on the lists many names who are nominated for lieutenant-colonels and in every point of view are inferior to Chrystie.

Respectfully, your obedient servant.

GALLATIN TO EZEKIEL BACON, M. C.

TREASURY DEPARTMENT, January 10, 1812.

SIR,—In answer to the first inquiry of the Committee of Ways and Means, relative to the interest arising on the proposed loan of 1,200,000 dollars, necessary to supply the deficiency in the receipts of the year 1812, I beg leave to observe that that item was not included amongst the expenses of that year, because, the estimate being made with reference to the expenses alone, which had previously been authorized by law, and a considerable proportion of those on account of the public debt falling on the first day of the year, it would not have been necessary, in that view of the subject, to borrow that sum previous to that day, and the interest would not, therefore, have become a charge till the year 1813.

With respect to the second inquiry of the committee, it was certainly contemplated, in conformity with the recommendation of the President, whose expressions were adopted in the report, to raise a revenue "sufficient at least to defray the ordinary expenses of government and to pay the interest on the public debt, including that on new loans which may be authorized." The sum of about nine millions of dollars was assumed as answering that description for the present, and the expression of "fixed revenue," which had been used in reference to existing circumstances, was inadvertently applied to the case of war. It will undoubtedly be proper, as remarked by the committee, to provide annually an additional and gradually increasing revenue, sufficient to pay the interest on loans required in the event of war.

If, therefore, the loan for the present year will, according to the suggestion of the committee, amount to ten millions of dollars, the receipts into the Treasury to be provided for the year 1813 should, on those data, amount to about 9,600,000 dollars.

The committee ask, in the next place, the best opinion which I am able to form of the probable amount of receipts from duties on tonnage and merchandise in the event of war.

As that amount will depend on the extent of the commerce between the United States and nations at peace with them, and on the number of the captures respectively made by our privateers and by the enemy, it is a matter of conjecture, and not a subject of calculation; for which reason it was stated in the report that the amount could not at present be determined. (Considering the rigorous restrictions laid by France on the commerce of the United States with her own dominions and other countries under her influence, the dangers to which our commerce with the Baltic and with China will be exposed, the relations of England with Portugal and with Spain, and also that no inconsiderable part of the captures made by our privateers will be sent into foreign ports, a great defalcation in the receipts on duties on imported merchandise must be expected.) The amount, under existing laws and circumstances, has, from correct data, been stated in the annual report at six millions of dollars. It would in my opinion be unsafe, in an estimate of ways and means intended to be relied on with certainty, to calculate, in the event of a war, on more than 2,500,000 dollars at the present rate of duties.

To the next inquiry of the committee, respecting the increase of those duties which is thought practicable and advisable, it is answered, without hesitation, that the rate of duties may, in the event of war, be doubled without danger or inconvenience. There will, in such an event, be less danger of smuggling at that rate than there is now with the existing duties. With that increase, the duties will still be much less on an average than those paid on importations in England, France, and most other countries. And they will be collected with more ease to government and less inconvenience to the people than could be devised to the same amount in any other manner.

A duty on imported salt might now be calculated on at least 3,500,000 bushels; but in the time of war cannot be estimated at more than two millions of bushels, producing, at the rate of twenty cents per bushel, $400,000.

The duties on tonnage and imported merchandise, including the former duty on salt, and doubling the rate of all others, would, according to that estimate, amount to $5,400,000

to which adding the proceeds of the sales of public lands, estimated, as by annual report, at 600,000

makes an aggregate of $6,000,000

and leaves a deficiency of 3,600,000

in order to complete the net revenue of $9,600,000 wanted for the service of 1813.

On the basis of annual loans of ten millions of dollars during the continuance of the war (which is the sum assumed by the committee, and which, considering the expenses already voted by Congress, is not more than will be wanted), and estimating at the lowest rate the interest on the loan of 1813, the deficiency for 1814, to be provided for by other resources, will amount to 4,200,000 dollars. The expenses of assessment and collection, and incidental losses on the internal taxes, from the proceeds of which this deficiency must be supplied, may be estimated at 15 per cent. In order to produce a net revenue of $4,200,000 the gross amount of taxes must, therefore, be near five millions of dollars. As the taxes which may be organized during the present session of Congress will not become due till the ensuing year, and as it is sufficiently ascertained from universal experience that taxes will not produce their full nominal amount in the first year they are in operation, it may be relied on that a gross amount of five millions, intended to produce a net revenue of 4,200,000 dollars, will not yield that sum until the year 1814, nor produce in 1813 more than 3,600,000 dollars. Five millions of dollars will, therefore, be assumed as the gross amount of taxes, including the expenses of assessment and collection and the incidental losses, necessary to be raised at this time. That sum is calculated to cover the interest on the loans of ten millions a year, wanted for the service of the years 1812 and 1813; leaving the selection of the additional taxes, which may hereafter be necessary to provide

for the interest of subsequent loans, to be made according to the experience which will be afforded by those two years.

Before I proceed to answer the inquiry of the committee respecting a selection of the internal taxes now necessary, permit me to observe that it was stated in the annual report of December 10, 1808, that "no internal taxes, either direct or indirect, were contemplated, even in the case of hostilities carried against the two great belligerent powers." An assertion which renders it necessary to show that the prospect then held out was not deceptive, and why it has not been realized.

The balance in the Treasury amounted at that time to near fourteen millions of dollars. But aware that that surplus would in a short time be expended, and having stated that the revenue was daily decreasing, it was in the same report proposed "that all the existing duties should be doubled on importations subsequent to the first day of January, 1809." As the net revenue accrued from customs during the three years 1809, 1810, and 1811 has, without any increase of duties, exceeded $26,000,000, it follows that if the measure then submitted had been adopted we should, after making a large deduction for any supposed diminution of consumption arising from the proposed increase, have had at this time about twenty millions of dollars on hand,—a sum greater than the net amount of the proposed internal taxes for four years.

In proportion as the ability to borrow is diminished the necessity of resorting to taxation is increased. It is therefore also proper to observe that at that time the subject of the renewal of the charter of the Bank of the United States had been referred by the Senate to the Secretary of the Treasury, nor had any symptom appeared from which its absolute dissolution without any substitute could have then been anticipated. The renewal in some shape, and on a more extensive scale, was confidently relied on, and accordingly, in the report made during the same session to the Senate, the propriety of increasing the capital of the bank to $30,000,000 was submitted, with the condition that that institution should, if required, be obliged to lend one-half of its capital to the United States. The amount thus loaned might, without any inconvenience, have been increased

to twenty millions; and with $20,000,000 in hand, and loans being secured for $20,000,000 more, without any increase of the stock of the public debt at market, internal taxation would have been unnecessary for at least four years of war, nor any other resource been wanted than an additional annual loan of five millions,—a sum sufficiently moderate to be obtained from individuals and on favorable terms.

These observations are made only in reference to the finances and resources of the general government. Considerations of a different nature have on both these subjects produced a different result, which makes a resort to internal taxes now necessary, and will render loans more difficult to obtain, and their terms less favorable. But the resources of the country remain the same, and, if promptly and earnestly brought into action, will be found amply sufficient to meet the present emergency. With respect to internal taxes, the whole amount to be raised is so moderate, when compared either with the population and wealth of the United States or with the burdens laid on European nations by their governments, that no doubt exists of the ability or will of the people to pay without any real inconvenience, and with cheerfulness, the proposed war taxes. For it is still hoped that the ordinary peace revenue of the United States will be sufficient to reimburse, within a reasonable period, the loans obtained during the war, and that neither a perpetual and increasing public debt nor a permanent system of ever-progressing taxation shall be entailed on the nation. These evils cannot, however, be otherwise avoided than by the speedy organization of a certain revenue. Delays in that respect, and a reliance on indefinite loans to defray the war expenditure, the ordinary expenses of government, and the interest on the loans themselves, would be equally unsafe and ruinous,—would in a short time injure public credit, impair the national resources, and ultimately render much heavier and perpetual taxes absolutely necessary.

Of the gross amount of $5,000,000, to be now provided according to the preceding estimates by internal taxation, it is respectfully proposed that 3,000,000 should be raised by a direct tax and 2,000,000 by indirect taxes.

The sum of 3,000,000 will not, considering the increase of

population, be a much greater direct tax than that of 2,000,000 voted in the year 1798. To this permit me to add another view of the subject:

The direct taxes laid by the several States during the last years of the Revolutionary war were generally more heavy than could be paid with convenience; but during the years 1785 to 1789 an annual direct tax of more than $200,000 ($205,189) was raised in Pennsylvania, which was not oppressive, and was paid with great punctuality. The increase of population of that State between the years 1787–1812 is in the ratio of about 4 to 9. A tax of $450,000 payable in the year 1813 is not higher in proportion to population alone, and without regard even to the still greater increase of wealth and of circulating medium, than a tax of $200,000 was in the year 1787. But the quota of Pennsylvania on a tax of $3,000,000 will (counting Orleans as a State) hardly exceed $365,000. The proposed tax will therefore, so far as relates to Pennsylvania, be near 20 per cent. lighter, in proportion to the respective population, than that paid during the years 1785 to 1789.

The rule of apportionment prescribed by the Constitution operates with perhaps as much equality as is practicable in relation to States not materially differing in wealth and situation. It may therefore be inferred that a direct tax which is not greater than Pennsylvania can pay with facility will not press heavily upon any of the other Atlantic States. It is only in reference to the Western States that the constitutional rule of apportionment according to the respective number of inhabitants in each State may be supposed to be unequal. Being at a greater distance from a market, and having, on account of the recent date of their settlements, less accumulated capital, it is certainly true that they cannot, in proportion to their population, pay as much or with the same facility as the Atlantic States. Two considerations will, however, much diminish the weight, if they do not altogether obviate that objection:

1. Of the articles actually consumed in the Western States there are two of general consumption on which duties are laid or proposed to be laid, and on which, being articles produced in those States, they will pay nothing, or less than the Atlantic

States. On salt they will pay nothing, as the whole quantity consumed there is of domestic origin; and this observation affords an argument in favor of the restoration of the duty on that article, since it will tend to equalize the operation of the direct tax. A considerable part of the sugar those States consume—nearly 7,000,000 of pounds—is also the produce of the maple, and pays no duty. And in time of war it is probable that the residue of their consumption will, in a great degree, consist of New Orleans sugar, also duty free.

2. A considerable portion of the direct taxes in those States is laid on lands owned by persons residing in other States, and will not fall on the inhabitants. It appears by a late official statement that more than two-thirds of the land tax of the State of Ohio are raised on lands owned by non-residents. The portion of the quota of that State on the United States direct tax, which will be payable by its inhabitants, will, for that reason alone, be reduced to one-third part of the nominal amount of such quota. And although the proportion may not be the same in the other Western States, it is well known that a similar result, though not perhaps to the same extent, will take place in all.

From every view which has been taken of the subject, it satisfactorily appears that the proposed amount of 3,000,000 is moderate, and cannot be productive of any real inconvenience, provided that the objects on which the tax shall be assessed be properly selected.

A direct tax may be assessed either on the whole amount of the property or income of the people, or on certain specific objects selected for that purpose. The first mode may, on abstract principles, be considered as most correct; and a tax laid in case of selection on the same articles in all the States, as was done in the direct tax of 1798, is recommended by its uniformity, and supported by respectable authority. It is nevertheless believed that the systems of taxation respectively adopted by the several States, matured, modified, and improved as they have been by long experience, will generally be found to be best adapted to the local situation and circumstances of each State; and they are certainly most congenial with the feelings and habits of the people. It is,

therefore, proposed that the direct tax should be laid and assessed in each State upon the same objects of taxation on which the direct taxes levied under the authority of the State are laid and assessed.

The attempt made under the former direct tax of the United States to equalize the tax, by authorizing a board of commissioners in each State to correct the valuations made by the local assessors, was attended with considerable expense and productive of great delay. In order to obviate this inconvenience, it is proposed that the quota assigned to each State, according to the rule prescribed by the Constitution, should be apportioned by law amongst the several counties, towns, or other subdivisions of each State, adopting in each State where a State tax is now levied the apportionment of the State tax, whether that be an absolute quota fixed by a previous State law on the county or town, or whether it be only the amount which shall appear to have been last laid on such county by the operation of the general State laws imposing a direct tax; making the apportionment in the States where no State tax is now levied, according to the best information and materials which can be obtained; and authorizing the States respectively to alter the apportionment thus made by law at any time previous to the day fixed by law for assessing the United States tax on individuals. The whole process of assessment will thereby be reduced to that of assessing the quota of each county, town, or other subdivision on the land and inhabitants of such subdivision. It will be as simple, and may be effected as promptly and with as little expense, as the assessment of a county tax; and, the objects of taxation being the same, it may be still more facilitated by authorizing an adoption of the State assessment on individuals, whenever it can be obtained from the proper authority.

With respect to indirect taxes, it does not appear necessary to resort to any other than those which had been formerly levied by the United States. As they were in operation during several years, their defects, and the modifications and improvements of which they are susceptible, are better understood than new taxes could be. With some alterations they may produce the amount now wanted; and it does not appear that any other equally pro-

ductive could be substituted with any real advantage. The gross amount of those taxes in the year 1801 was near one million of dollars. They would, according to the increase of population and without any augmentation in their rate, yield now near 1,400,000 dollars. An average increase of about 50 per cent. in the rate would produce the intended gross amount of two millions. But it is believed that that increase ought not to be the same in all those taxes, and that some are susceptible of greater augmentation or extension than others.

1. Duties on domestic spirits distilled.—There is not any more eligible object of taxation than ardent spirits; but the mode of taxation is liable to strong objections, particularly with respect to persons who are not professional manufacturers, and who only occasionally distil the produce of their farms. It is therefore proposed that the duties on the quantity of spirits distilled should be levied only on spirits distilled from foreign materials, at the rate of ten cents per gallon distilled; and on other distilleries employing stills the aggregate of which shall contain more than four hundred gallons, at the rate of three cents per gallon distilled; and that instead of a duty on the spirits, or of licenses in proportion to the time employed, all other distillers should only pay an annual tax of five dollars for each still solely employed in the distillation of fruit, and of fifteen dollars for each still otherwise employed. This tax may also, still, without reference to time, be made to vary according to the size of the stills. At those rates this class of duties is estimated to produce at most 400,000 dollars; and it is intended in that case that another duty should be levied on the same article, in the shape of licenses to retailers. By the adoption of that mode the expenses of collection will be considerably diminished, penalties for not entering stills will be unnecessary, and they will be confined, with respect to country stills, to the case of clandestine distilling without paying the tax.

2. Duties on refined sugar.—A duty double of that heretofore laid, viz., at the rate of four cents per pound, is estimated to produce 200,000 dollars. The drawback both of that duty and of that on the importation of the raw material to be allowed.

3. Licenses to retailers.—These are believed to be susceptible of considerable and very proper augmentation and extension. The following rates are estimated to produce 700,000 dollars:

For a license to retail		wines,	$20
Do.	do.	spirits generally,	20
Do.	do.	domestic spirits only,	15
Do.	do.	any other species of foreign merchandise,	10

Tavern-keepers licensed under the authority of any State, and not living in any city, town, village, or within five miles thereof, to be excepted. Every other person who sells wines, foreign spirits, or foreign merchandise, otherwise than in the vessel or package of importation, or, in the case of dry goods, otherwise than by the piece, and every person who sells domestic spirits in less quantity than thirty gallons, to be considered as a retailer.

4. Duties on sales at auction.—These confined to the sales of articles of foreign produce or manufacture, and at the same rate as heretofore, may produce about 50,000 dollars.

5. Duties upon carriages for the conveyance of persons.—Those duties, adding at the rate of fifty per cent. on the duties formerly raised, are estimated to produce 150,000 dollars.

6. Stamp duties.—An association of ideas which connects those duties with the attempt of Great Britain to tax America, and which might with equal propriety attach odium to the duty on the importation of tea, has rendered their name in some degree unpopular. The great extension of post-roads and the facility of distribution have, however, removed the most substantial objection to which they were liable. They do not appear to be more inconvenient than any other internal tax, and the expenses of collection are less than on any other, being only a commission on the sale and the cost of paper and stamping. At the same rate as heretofore, with the exception of bank-notes, on which an increase appears proper (with an option to the banks to pay $\frac{1}{20}$ part of their dividends in lieu thereof), they are estimated to produce 500,000 dollars.

Recapitulation.

Direct tax, gross amount,		$3,000,000
Duties on spirits, and licenses to distillers, gross amount,	$400,000	
Refined sugar, gross amount,	200,000	
Retailers' licenses, do.	700,000	
Sales at auction, do.	50,000	
Duties on carriages, do.	150,000	
Stamp duties, do.	500,000	
		2,000,000
Total gross amount,		$5,000,000
Deduct expenses of assessment and collection and losses, estimated at 15 per centum,		750,000
Net amount estimated for 1814,		$4,250,000
But are not estimated to yield, in 1813, more than		$3,600,000

Most of the internal taxes have been estimated at their maximum; but it is hoped that any defalcation from the estimated amount will be compensated by a diminution in the expenses of collection, which have also been computed at the highest rate.

For the superintendence of those taxes, both direct and indirect, it appears indispensable that the office of commissioner of the revenue should be re-established. For their collection the former offices of supervisor and inspector are believed to have been unnecessary and injurious links in the system, and that the expense will be diminished, and the collection and accountability better secured, by the division of the States into convenient collection districts, and by the appointment of a collector to each district, who will pay into the Treasury, and be immediately accountable to that Department, in the same manner as the collectors of customs. This arrangement, the greater amount to be collected, and the simplification in the objects and mode of taxation will, it is hoped, reduce in a short time the expenses of collection of the indirect taxes to 7½ instead of 13 per centum, which

they formerly cost when brought to their highest degree of improvement. In estimating the charges on the direct tax at 15 per cent., 5 per cent. have been allowed for the assessment, 5 per cent. for the collection, and 5 per cent. for losses. This last item is principally on account of losses on unseated lands, and on some remote districts of country, and is not susceptible of much reduction. That for assessment may be lessened in those States where the objects of taxation do not require an annual valuation, or where the State or county assessments may be used. The expense of collection proper may be also in some degree lessened in cities and populous districts, and by uniting it with that of the internal taxes. It is, however, necessary that the compensation of the collectors be sufficient to command the services of men properly qualified, and in every respect worthy of the trust.

In performing the ungracious task of pointing out new objects of taxation, those have been submitted which appeared sufficiently productive and least oppressive. The objections to which each, including the increase of duties on importations, is liable have not been stated; not because I was insensible of them, but because no substitute of any importance was perceived which was not still more objectionable. Every tax being in some degree an evil, is therefore liable to some objection, and every one taken singly may for that reason be easily combated. But if the necessity of an additional revenue be admitted, the objections afford no argument why the tax proposed should be rejected, unless another less inconvenient be substituted. The necessity of such an addition to the revenue has in the course of this letter been strongly urged, because it was strongly felt; but with respect to the taxes proposed, the selection is submitted with diffidence, and it will be highly gratifying that some more eligible may be devised.

The last inquiry of the committee relates principally to the terms on which loans amounting to at least ten millions of dollars per annum may be obtained, and to the plan proper to be adopted for the reimbursement of such loans.

The terms on which annual loans to that amount may be obtained can be ascertained only by experiment. Government has never since its organization obtained considerable loans within

the United States at the rate of six per cent. per year, except from the Bank of the United States; and these on a capital of ten millions never amounted to seven millions in the whole. In proportion to the amount wanted for the service of the year, and to the increase of stock of the public debt at market, the terms must naturally become less favorable. It must also be recollected that in addition to the sum wanted to defray the extraordinary expenses of the war, an annual loan equal to the annual reimbursement of the six per cent. and deferred stocks prescribed by law will also be required. This, together with the reimbursement of the residue of the converted stock, amounting to 565,000 dollars, will for this year amount, as has been stated in the annual report, to 2,135,000 dollars. As the interest on the existing debt is included in the "current expenses," the loan necessary for the reimbursement of the six per cent. and deferred stocks will for each subsequent year amount only to 1,570,000 dollars. The loans for those sums will indeed create no addition to the amount of the debt, but will nevertheless increase the total sum to be annually borrowed. It must also be observed that if the price of stocks should sink below par, the commissioners of the sinking fund are bound by the existing laws to apply the residue of the annual appropriation of eight millions a year to the purchase of stock, and that residue will this year amount to 3,640,000 dollars, which in that case must also be borrowed. It is a view of those several considerations which has created an apprehension that loans to such large amount might not perhaps be obtained on as favorable terms as under other circumstances, and with the powerful assistance of a national bank, had been formerly anticipated. The same view of the subject has most forcibly impressed a conviction of the necessity of an additional revenue. For if further loans be also resorted to for defraying the ordinary expenses and the interest, they must, if at all practicable, be obtained on the most ruinous terms. Excluding that idea, and embracing only the loans which are absolutely necessary, it appears to me more prudent not to limit the rate of interest by law. A discretionary power in that respect is, so far as relates to the Executive, altogether ineligible; but it is preferable to the risk of leaving the public service unprovided for. It is also for

the same reason requisite that the loans may be made irredeemable for a term not less than ten years.

In a former communication to the Committee of Ways and Means, it was suggested that "Treasury notes," bearing interest, might to a certain extent be issued, and to that extent diminish the amount to be directly borrowed. The advantage they would have would result from their becoming a part of the circulating medium, and taking, to a certain degree, the place of bank-notes. It is evident, however, that for the same reason the issue must be moderate, and never exceed the amount which may circulate without depreciation.

The loans necessary for the present year are, 1st, a sum equal to that which may during the year be reimbursed on account of the principal of the debt; 2dly, the amount of expenses which have been or may be authorized by Congress and are not included in the annual estimates.

The first sum will certainly amount to 2,135,000 dollars, and may be greater if the stock should sink below par.

The second sum cannot yet be stated, since the extent of the expenses which may be authorized is not yet ascertained, and as the estimates for the additional army already authorized have not yet been received by the Treasury Department.

The deficit of 1,200,000 dollars (on the peace establishment) is not included as absolutely necessary, although its payment will, as stated in the annual report, leave in the Treasury a smaller balance than under existing circumstances is eligible.

It may be proper to repeat that so long as the public credit is preserved and a sufficient revenue is provided, no doubts are entertained of the possibility of procuring, on loan, the sums wanted to defray the extraordinary expenses of a war; and that the apprehensions expressed relate solely to the terms of the loans, to the rate of interest at which they can be obtained.

The reimbursement of the new debt which may be created must ultimately depend on the respective revenue and expenditure of the United States, after the restoration of peace. No artificial provisions, no appropriations or investments of particular funds in certain persons, no nominal sinking fund, however constructed, will ever reduce a public debt unless the net annual

revenue shall exceed the aggregate of the annual expenses, including the interest on the debt. Those who create the debt can only estimate what the peace revenue and expenditure will be, and presume that the supposed surplus will be faithfully and perseveringly applied to the payment of the principal.

The current or peace expenses have been estimated at nine millions of dollars. Supposing the debt contracted during the war not to exceed fifty millions, and its annual interest to amount to three millions, the aggregate of the peace expenditure would be no more than twelve millions. And as the peace revenue of the United States may, at the existing rate of duties, be fairly estimated at fifteen millions, there would remain from the first outset a surplus of three millions of dollars applicable to the redemption of the debt. So far, therefore, as can now be foreseen, there is the strongest reason to believe that the debt thus contracted will be discharged with facility and as speedily as the terms of the loans will permit. Nor does any other plan in that respect appear necessary than to extend the application of the annual appropriation of eight millions, and which is amply sufficient for that purpose, to the payment of interest and reimbursement of the principal of the new debt. No doubt can be entertained of that mode being sufficiently efficacious, since by that plan alone forty-six millions of the public debt have been reimbursed during the last eleven years. If the national revenue exceeds the national expense, a simple appropriation for the payment of the principal of the debt and co-extensive with the object is sufficient, and will infallibly extinguish the debt. If the expense exceeds the revenue, the appropriation of any specific sum and the investment of the interest extinguished, or of any other fund, will prove altogether nugatory; and the national debt will, notwithstanding that apparatus, be annually increased by an amount equal to the deficit in the revenue.

The annual interest on the existing debt amounts to	$2,220,000
and estimating the interest on the new debt at	3,000,000
the sum which, on the annual appropriation of eight millions, would at the restoration of peace be applicable to the payment of principal is	2,780,000
	$8,000,000

—a sum somewhat less than the presumed surplus of three millions, as above stated, and which will be nearly sufficient to reimburse before the year 1823 the whole existing debt of the United States, with the exception of the three per cent. stock. The loans contracted during the war being made irredeemable for at least ten years, the first reimbursement would fall on that year; and the whole of the appropriation of eight millions, after deducting 485,000 dollars for the interest of the three per cent. stock, would thenceforth be applicable to the payment of the interest and principal of the new debt. The precise period of final extinguishment and the precise amount of annual payments will depend on the terms of the loans, and on the number of years for which it may be necessary to make each loan irredeemable. But this sketch is sufficient to show, 1st. That no inconvenience will arise in making the loans irredeemable for ten years, since there is not much probability that they could be sooner discharged. 2dly. That the appropriation of eight millions will be sufficient for their final reimbursement. 3dly. That that reimbursement and that of the whole debt of the United States (the three per cent. stock excepted) will probably be effected within fifteen years after the restoration of peace. It must always be remembered that those estimates are predicated on the supposition that an additional revenue to the amount already stated will be provided, and that the increase of debt during the war will not exceed fifty millions.

In answering the inquiries of the committee on subjects so intimately connected with the most important questions of national concern, it became an imperious duty to represent every circumstance precisely as it was or appeared to be, and without exaggerating or disguising any of the difficulties which must be encountered. To understand these to their full extent will afford the best means of overcoming them; and there is none which appears insurmountable or even discouraging. What appears to be of vital importance is, that the crisis should at once be met by the adoption of efficient measures which will with certainty provide means commensurate with the expense, and by preserving unimpaired, instead of abusing, that public credit on which the public resources so eminently depend, will

enable the United States to persevere in the contest until an honorable peace shall have been obtained.

I have the honor to be, with great respect, sir, your obedient servant.

GALLATIN TO JEFFERSON.

WASHINGTON, 10th March, 1812.

DEAR SIR,—Mr. Correa, an interesting and learned Portuguese, who has lately arrived in the Constitution, and is recommended to us by Barlow, Humboldt, &c., has requested me to transmit to you the enclosed letter and work. He intends to pay you his respects in person this summer.

You have seen from your retreat that our hopes and endeavors to preserve peace during the present European contest have at last been frustrated. I am satisfied that domestic faction has prevented that happy result. But I hope nevertheless that our internal enemies and the ambitious intriguers who still attempt to disunite will ultimately be equally disappointed. I rely with great confidence on the good sense of the great mass of the people to support their own government in an unavoidable war, and to check the disordinate ambition of individuals. The discoveries made by Henry will have a salutary effect in annihilating the spirit of the Essex junto, and even on the new focus of opposition at Albany. Pennsylvania never was more firm or united. The South and the West cannot be shaken. With respect to the war, it is my wish, and it will be my endeavor, so far as I may have any agency, that the evils inseparable from it should, as far as practicable, be limited to its duration, and that at its end the United States may be burdened with the smallest possible quantity of debt, perpetual taxation, military establishments, and other corrupting or anti-republican habits or institutions.

Accept the assurances of my sincere and unalterable attachment and respect.

GALLATIN TO JOSEPH H. NICHOLSON.

WASHINGTON, 21st May, 1812.

DEAR SIR,—I am rejoiced to hear that you have succeeded in your cause; and I am not sorry to see that you have once more taken a share in politics. I wish you would write to Langdon, earnestly requesting him not to decline the nomination to the Vice-Presidency. Two or three men had committed themselves with Seaver, he with Gerry, and from complaisance to him several votes were given to Gerry by persons within my knowledge in favor of Langdon. I fear that the Massachusetts people will attempt to make him decline, under pretence that it will unite; and he is, I am told, anxious not to enter again in public life. But the fact that it would unite is not true. We want as much popularity as is attainable; and Mr. Langdon's name is by far the most popular we can get. How beloved his person by all who know him I need not tell you. Gerry is, in both respects, the reverse; and I much fear that, if elected, he would give us as much trouble as our late Vice-President. If you think proper to write, do it immediately, as he will be called for an answer by the committee of correspondence.

It would be most regular that the scrip should issue in the names of the subscribers; but if the bank has no objection, I do not perceive any on the part of the Treasury that it should come out in your name as attorney-in-fact for the subscribers.

James writes to me that Mr. Bouchard is dangerously sick. If not compelled by other reasons, you had better wait a few days, which will decide his fate, before you begin your journey.

Truly yours.

GALLATIN TO LANGDON CHEVES, CHAIRMAN OF WAYS AND MEANS.

TREASURY DEPARTMENT, 10th June, 1812.

SIR,—I had the honor to receive your letter of yesterday, asking whether, in my opinion, the Non-Importation Act may not be so modified, or partially suspended, as to afford a revenue

equivalent to the estimated amount of the internal taxes, additional tonnage duty, and diminution of drawbacks; and, in such event, whether the last-mentioned objects of revenue may not, for the present, be dispensed with?

All the estimates of revenue which have been transmitted during this session, having necessarily been made in conformity with the existing laws, were predicated on the supposed absolute prohibition of British produce and manufactures. These, in ordinary times, amounted to more than one-half of the foreign merchandise consumed in the United States. The actual exclusion of the greater part of the articles of our own growth from France, Holland, and Germany, the consequent nullity of our commerce with those countries, and the conquest by Great Britain of their colonies, still more lessens the proportion of foreign articles which may be imported from other countries than the British dominions.

It is therefore evident that the amount of duties on importations will be more than doubled in the event of a suspension of the Non-Importation, and that they will, whilst that suspension continues, afford a revenue at least equivalent to the estimated amount of the proposed direct tax, internal duties, additional tonnage, and diminution of drawbacks. All these may be dispensed with, so long as the suspension continues, provided that the contemplated increase of one hundred per cent. on the duties on importations shall take place.

It is not believed that the result would be materially affected by a modification or partial instead of an absolute suspension of the Non-Importation. For the amount of importations would be principally regulated by the amount of American funds already in England, and by the subsequent consumption of American produce in Great Britain, Spain, and Portugal, and the British West Indies respectively. If a discrimination be thought eligible, it would seem that the articles entitled to preference are colonial produce, particularly rum, coarse woollens, middle-price cotton goods, Irish linens, earthen and glass ware, hardware, and manufactures of steel, tin, brass, and copper. Fine cloths, muslins, plain cotton goods, manufactures of silk, hemp, flax (with the above exception), and leather, paper, hats, shoes, and milli-

nery may either be altogether supplied by domestic manufactures or dispensed with.

The annual importations of British, colonial, and domestic produce and manufactures could not be estimated at less than thirty-five millions of dollars. Supposing (on the same grounds on which the other estimates of duties on importation in time of war were made) that the war and other restrictions should reduce the amount to one-half, the proposed double duties collected on the residue would produce a net revenue of at least five millions of dollars, and greater, therefore, than all the proposed internal taxes and duties and additional tonnage duty.

Permit me, however, to observe, with respect to this last duty, that, so far as relates to foreign vessels, the proposed addition appears necessary, and is hardly sufficient to compensate the great advantages which war will give them over American vessels in the American commerce.

It is proper to add that all the bills for laying and collecting the direct tax and internal duties have been prepared in conformity with the former request of the committee, so that the whole subject may be taken up at this or any other time without any delay on the part of the Treasury. The only detail on which the information is not as complete as might be desired is that of the quotas of the direct tax intended to be laid on the several counties in each State. It is also believed that the system has been prepared in such manner that it may be organized and all the taxes be in full operation in the month of April next, provided the laws are enacted before the commencement of the year 1813.

I have the honor to be, with great respect, sir, your obedient servant.

MONROE TO GALLATIN.

June 1, 1812.

* * * * * * * * * *

I am convinced that it is very important to attempt at present the maritime war only. I fear, however, that difficulty will be

experienced in the committee, which may extend itself to the gentlemen, or some of them at least, at Mrs. Dawson's. To prevent this it is important that an early communication should take place with Mr. Crawford. Cannot you see him this morning, before you come to the President's, to confer with and explain to him the policy of the plan preferred? I am so engaged in preparing papers that I cannot, or would not ask it of you.

Sincerely yours.

GALLATIN TO MADISON.

[June, 1812.]

DEAR SIR,—I believe the weekly arrivals from foreign ports will for the coming four weeks average from one to one and a half million dollars a week. To protect these and our coasting vessels, whilst the British have still an inferior force on our coasts, appears to me of primary importance. I think that orders to that effect, ordering them to cruise accordingly, ought to have been sent yesterday, and that, at all events, not one day longer ought to be lost.

Respectfully.

I will wait on you to-morrow at one o'clock.

GALLATIN TO LANGDON CHEVES.

June 23, 1812.

SIR,—The Non-Importation Acts forbid two things, viz.: 1st, the importation of British merchandise; 2d, the importation of any merchandise whatever from the dominions of Great Britain. The bill reported to the House suspends the operation of the first prohibition, but not of the second. This is intended, it is presumed, to prevent direct importations from Great Britain in neutral vessels. That regulation will, it is believed, have no other effect but to enhance the freight, and thereby make us pay dearer for the merchandise. But, supposing that exception to be

generally proper, its application to the adjacent British provinces will be injurious. It is our interest now to draw from Canada all the furs and merchandise belonging to our citizens. Their exportation may be forbidden by the British; but, if permitted by them, their importation into the United States will continue to be forbidden. If this be not intended, the bill should be amended by inserting in the first section, after the words "Great Britain," the words "or of goods, wares, and merchandise from the British provinces adjacent to the United States," or words to that effect. Or a third section, specially providing for the case, may be introduced. It seems to me that, even if the bill were rejected, that provision is due to our citizens, who should be permitted, if they can, to snatch their property from the enemy's hands. That property, in England, runs no great risk; but, in a colonial government, may be seized by the mere act of the governor. Smuggling, also, is much more dangerous from that quarter than by sea.

The title of the bill does not agree with the enacting clause.

Respectfully, your obedient servant.

GALLATIN TO MADISON.

PHILADELPHIA, 21st July, 1812.

DEAR SIR,—It is said that the consulship of Lisbon is vacant. If so, permit me to recommend with more than common earnestness Pemberton Hutchinson, the son of my former friend, Dr. Hutchinson. The name is dear to every Republican in this State, both in city and country. And I am assured that the son, by his talents and standing, deserves the appointment. In one respect he has an advantage,—that of being already on the spot, connected with one of the most respectable houses in this city.

I had not intended to write until I could give you some account of my success, but, understanding that one of the Mifflins goes by to-day's stage to Washington to solicit the office, would

not let the mail go without writing in favor of Hutchinson, for whose appointment I feel truly anxious.

We have arrived here safe, and intend to proceed to New York as soon as I have done what can be effected here with respect to money.

Mrs. G. presents her best respects to Mrs. Madison.

Do you still want volunteers? I could easily have set the thing going here.

Respectfully, your obedient servant.

MADISON TO GALLATIN.

WASHINGTON, August 8, 1812.

DEAR SIR,—The communications from the British government, lately received through Baker, are of a curious character. They promise that the orders in council would cease on the 1st August, with a right reserved to renew them in May next, in case the conduct of France and of the United States should require it, and particularly in case the Non-Importation Act should not be repealed within fourteen days after a notification of the actual repeal should be made to this government. The communication was so informal that it was not only not in writing, but not permitted by Baker to be taken down in his presence by Mr. Graham. It is not improbable that the vessel was despatched in consequence of the notice from Foster by the May packet (referred to in his despatches lately found on board the Tulip), that war would be declared, and in the hope that the expectation of a repeal of the orders thus authorized would arrest the declaration. In the mean time they would have an opportunity of learning the issue in Congress, and might govern themselves by it. Baker professes, however, to expect another arrival immediately, making a further and more particular communication on the subject, and that it will contain the act of repeal. He states also that the British authorities at Halifax, with the sanction of Foster, are willing to fix a day in concert with this government after which all captures at sea are to be hung

up in the courts for the final decision of the two governments; this arrangement to be accompanied by a suspension of military operations in Canada, which Foster has advised the government there to propose to the adverse commander. It may be inferred from the whole that the British Cabinet is in some agitation, and that it is believed at Halifax that the road to peace cannot be made too short, whilst they are careful to effect it by a bargain as safe and advantageous as possible. Perhaps it may be a ruse only to exhibit that side as anxious to stop hostilities, and throw on ours the foreseen rejection of the proposal.

The latest information from Hull is in the last National Intelligencer. He finds it necessary to prepare heavy cannon (24's) and mortars in order to take Malden without a bloody storm. He allowed himself two weeks to make the preparation. A reinforcement is ordered to him from the Ohio. He seems to have severed the Indians from their allies for the present. But without a conspicuous success in his military progress there is reason to apprehend an extensive combination against the frontiers of Ohio and all the neighboring Territories. Should he be able to descend upon Niagara and an adequate co-operation be there afforded, our prospect as to Upper Canada may be good enough. But what is to be done with respect to the expedition against Montreal? The enlistments for the regular army fall short of the most moderate calculation. The Volunteer Act is extremely unproductive. And even the militia detachments are either obstructed by the disaffected governors or chilled by the Federal spirit diffused throughout the region most convenient to the theatre. I see nothing better than to draw on this resource as far as the detachments consist of volunteers, who, it may be presumed, will cross the line without raising constitutional or legal questions. An experiment must, if possible, be made for cutting off all British communications with the Indians. If this cannot be done by occupying Montreal, is it impossible to do it by some other operation that will put the communication through the Utiwas under our control? The Secretary of State is on a visit to his farm. He will be back in the course of this week; when I must follow his example. I am much worn down, and

feel the approach of my bilious visitor on tide-water. I have also some very pressing calls for my presence on my farm.

Accept my affectionate respects.

It is the wish of Baker that his communications may be regarded as confidential, till more definite and formal ones shall arrive.

If you have an opportunity, obtain from J. Lewis information leading to a use of the ports of Hayti for our cruisers. Perhaps he would be a good missionary for that purpose.

MADISON TO GALLATIN.

WASHINGTON, August 15, 1812.

DEAR SIR,—I have just received your favor of the 13th. I had proposed to set out for Virginia on Friday, and am very glad to learn that you will be with us before that takes place. I expect Mr. Monroe every moment; and Mr. Pinkney being within call, I shall be able to decide with the best advantage the several important questions on hand. Previous to the account of the loss of Michilimackinac, orders had gone for a reinforcement to Hull of 1500 men from Kentucky and Ohio. It is a little strange that no official communication of the revoking order has yet arrived from Great Britain, the order being dated on the 23d of June, and so many motives urging an immediate transmission of it. The solicitude on this point appeared from the hasty communication through Halifax before the measure was reduced to its due form. From debates in Parliament of the 18th and 19th of June, there must have been a sudden transition from the conditional suspension to the shape finally given to the Act. Maury writes from Liverpool (June 26) that shipments were taking place, without hesitation, of goods to an unexampled amount for the United States. It will be an unexampled instance of mercantile incaution if passports be not obtained, to be good in the event of war. The state of things which produced the

revocation of the orders would insure the granting them if insisted on. Enclosed is the new Chancellor of the Exchequer's budget, with an interesting view on the subject by Huskisson.

Affectionate respects.

MADISON TO GALLATIN.

[August, 1812.]

The command of the Lakes is obviously of the greatest importance, and has always so appeared. I am glad to find it not too late to have that of Ontario. There must have been some mistake as to the effort to obtain it. It does not appear that any application, such as is intimated, has been made to the Navy Department. Mr. Hamilton has much confidence in Lieutenant Wolsey, and says that he shall be furnished with what he wants under orders which will be issued. Affectionate respects.

We set off to-morrow morning early; the probability of high waters stopped us to-day.

GALLATIN TO MADISON.

Sunday Evening, October 11, 1812.

DEAR SIR,—The exchange of places which you suggested would, in my opinion, have a most salutary effect on the conduct of the war; but, on mature reflection, I apprehend that it would not satisfy public opinion, and would be more liable to criticism than almost any other course that would be adopted.

Respectfully yours.

GALLATIN TO MADISON.

MEMORANDA.

Endorsed 1813 [1812], autumn, previous to meeting of Congress.

Mr. Armstrong's letter.

1. Preference to be given to contracts for supplying the army with provisions.—This is so indubitable that how any hesitation on the subject could take place is not easily understood. That branch of military expenditure is the only one (pay excepted) which is well administered and under a good accountability. If it was practicable to extend the same system (of contracts) to other branches, the advantage would be immediately felt. But where the practice exists and has answered, it should not entirely be changed. The contracts are not yet made for any important quarters, and ought without hesitation to be promptly entered into.

2. Recruiting service.—Its immediate organization is absolutely necessary, and there is no time to be lost. We will otherwise be without the requisite number of men in April next. To organize and to act without delay is indispensable. The increase of pay may be relied on. An increase of officers for that service and their distribution are the points to be attended to and decided. The increase, either by increasing the number of regiments (diminishing the number of men in proportion in each regiment) or the addition of a recruiting company or of some supernumerary officers to each regiment, might, whichever principle be adopted, be arranged in all its details in half a day. The selection of persons to fill the new appointments is more difficult, and on that account to be attended to at once. If this subject be not immediately attended to, it will be February before the recruiting parties are properly and actively employed.

3. Local force.—Unless the measure be general, it may be objectionable to raise it for New York alone. The only objection which I can perceive to the general plan is that it may at this moment impede the recruiting service. Perhaps to have a law

only at the end of the session, and not to act on it till the other recruiting service is nearly over, would be most eligible.

Next year, revenue and expenses.

The expenses are:

1. For civil list, miscellaneous, diplomatic,		$1,500,000
2. For public debt, including all necessary demands, of which 3 millions for Treasury notes,		8,000,000
3. Army alone, as per present estimate, and Indian Department,		13,396,000
4. Navy, as it now stands,		4,926,000
		$27,822,000
Add deficiency in militia appropriation for this year,		1,000,000
		$28,822,000

The resources are:

1. Revenue estimated for the whole,		$12,000,000
2. Treasury notes to replace those which will be reimbursed,	$3,000,000	
3. Loan,	14,000,000	
		17,000,000
		$29,000,000

But we must add to war estimate:

1. Increase of pay and officers,	$1,500,000	
2. Volunteers and militia, at least	2,500,000	
		$4,000,000
And to the naval estimate, building 4 74's and 6 frigates,		3,000,000
		$7,000,000
which, added to the above		14,000,000
would make 1813 loan		$21,000,000

I think a loan to that amount to be altogether unattainable. From banks we can expect little or nothing, as they have already lent nearly to the full extent of their faculties. All that I could obtain this year from individual subscriptions does not exceed 3,200,000 dollars. There are but two practicable ways

of diminishing the expenditure: 1, by confining it to necessary objects; 2, by introducing perfect system and suppressing abuses in the necessary branches.

1. In the War Department, to reduce the calls for militia, and above all to keep the control over those calls and other contingent expenses; in the navy, to diminish greatly the number of gunboats, and to strike off all supernumerary midshipmen, pursers, sailing-masters, and other unnecessary officers.

2. System requires skill in forming and decision in executing. Both the preparing and executing such plans must rest almost exclusively with the heads of the Departments. I have no doubt that knowledge and talents would save several millions, and the necessary business be better done.

GALLATIN TO MADISON.

November 1, 1812.

DEAR SIR,—I send the two paragraphs. I believe the whole to be sufficiently distinct, with the exception, perhaps, of the last sentence of the first paragraph. If the forfeitures are not remitted at all, there will be considerable injustice, great discontent, and 8 to 10 millions of dollars put in the pocket of the collectors. If they are altogether remitted, the importers will make unreasonable profits, and there will be equal and as well-founded dissatisfaction. To attempt to discriminate between cases will be an invidious and endless task. I think that the best and most equitable mode will be to authorize a remission of all the forfeitures of American property, on condition that the importers will lend to government a sum equal to the prime cost. With respect to British property, a sequestration seems the most eligible mode.

The object of the sentence alluded to is to indicate this course or any other modification answering the same purpose, which may appear more eligible or prove more palatable.

Respectfully, your obedient servant.

GALLATIN TO MADISON.

December 12, 1812.

DEAR SIR,—In support of the suggestions heretofore made against permitting General Armstrong to raise a volunteer force on different principles from those recognized by law and adopted elsewhere, I enclose three advertisements from the late New York papers.

Whilst such improper encouragement is given for a local force it will be impossible to recruit for the army or for general purposes; and the general object of providing an efficient offensive force will be sacrificed to a local object. This mode also destroys the general plan of a local force, which is founded on the practicability of raising men to be paid only when employed, or in proportion to their time of service. But here full pay, &c., are promised for local services not to exceed five or eight days in each month. This does indubitably secure, at an enormous expense, for General A. all the force he wishes; but every other consideration, of economy, uniformity, and even of the recruiting service, is sacrificed to that sole object.

Respectfully, your obedient servant.

GALLATIN TO JEFFERSON.

WASHINGTON, 18th December, 1812.

DEAR SIR,—There is not now any vacant office of receiver of public moneys in the Mississippi Territory. There was a vacancy last spring, which was filled before the end of the last session of Congress.

The series of misfortunes experienced this year in our military land operations exceeds all anticipations made even by those who had least confidence in our inexperienced officers and undisciplined men. I believe that General Dearborn has done all that was in his power. The conduct of Hull, Rensselaer, and

Smyth cannot be accounted for on any rational principle. It is to be hoped that Mr. Eustis's resignation will open brighter prospects. For although those three disasters cannot with justice be ascribed to him, yet his incapacity and the total want of confidence in him were felt through every ramification of the public service. To find a successor qualified, popular, and willing to accept is extremely difficult.

With sincere attachment and respect.

MONROE TO GALLATIN.

January 5, 1813.

DEAR SIR,—I have received yours of yesterday, and approve in all respects of the ideas it suggests. I have written to the chairman of the committee to propose to him that the bill be so modified as to leave the power discretionary with the President to raise such part of that force as may in his judgment be proper. It was always my opinion that the Act ought to be of this character, and it took its present form more by accident than otherwise. I had intended to speak with the chairman on Friday, but did not see him, and the pressure of business since took it from my memory. My decided opinion is that if the 35,000 can be got into the field early in the spring, they will be abundant to every purpose, especially if we do not press at once against Halifax. I will do everything with you to diminish expenditures, and have no doubt that great savings may be made; but I wish your aid on many points, especially on all those that are connected with supplies and expenditures in every part of our military system.

I am, dear sir, very sincerely yours.

GALLATIN TO LANGDON CHEVES.

February 12, 1813.

SIR,—In answer to your letter of yesterday, I have the honor to state that I still believe it practicable to organize the taxes within three or four months after the passing of the laws in the shape reported. This, however, is only matter of opinion, in which I may be mistaken; and it would certainly be desirable, if other considerations do not oppose it, to prevent the danger of disappointment, by allowing more time for the selection of officers, preparing and transmitting the forms and instructions, and taking all other steps necessary for the organization of a difficult and novel system, which must pervade every part of the extensive territory of the United States. The selection of officers, including the time necessary to ascertain whether they will accept, is perhaps the operation most likely to produce delay.

I have the honor to be, respectfully, &c.

GALLATIN TO MADISON.

March 5, 1813.

DEAR SIR,—We have hardly money enough to last till the end of the month. The loan is opened for 12th and 13th instant. The result will be known here (Boston and Charleston excepted) on Tuesday or Wednesday, 17th instant. If, therefore, there be any arrangements discretionary with the President, such as the organization of the twenty regiments of twelve-months' men, building ships, &c., and which are susceptible of extension or curtailment, according to our resources, it is desirable that they should not be concluded till after that day (only twelve days hence), as we will then be enabled to form a correct estimate of our prospects; and it is better, in case of failure, to limit ourselves to what is strictly necessary than to be compelled to take retrograde steps. In the mean while, the prospect not being favorable, permit me earnestly to submit the propriety of

cutting by the root militia expenses, and of reducing the Western expenditure to what is necessary for defensive operations, relying exclusively on the possession of the Lakes for anything of an offensive nature.

With respect to the enclosed, my reliance on Parish is not great; and he had positively refused to join with Le Roy and Girard and with Mr. Astor in making proposals for ten millions of the loan. I had set that going, and if it had succeeded I would not have opened the loan by subscription. He now says that it would have been better to invite proposals.

Respectfully yours.

GALLATIN TO MADISON.

[Three memoranda without date.]

It is true that we have stripped New York of seamen for the Lakes. This may at once be supplied by ordering all the gunboat seamen at Philadelphia to proceed by Trenton and New Brunswick to New York, which, allowing two days' march from Trenton to Brunswick (distance twenty-six miles), cannot take more than four days. At Philadelphia they are altogether useless, and do nothing but quarrelling with our collector.

I think it would have been better to give to the commissary the transportation of the clothing to the armies.

It appears indispensable that there should be an instruction to the regimental quartermasters for the safe-keeping and distribution of the clothing and other articles intended for the regiments respectively, and not for the army generally.

The instructions for the commissary's department are not printed.

Governor Tompkins, at the request of the general government, called into service detachments of militia to assist in carrying the embargo into effect along the Lakes. He also

organized, at the request of Generals Dearborn and Wilkinson, the regulars on the same service. In fact, he alone did all that was done on that occasion, and even advanced money. I understand that his accounts are suspended because he cannot produce the receipts of all the privates, but only those of the officers who acted as paymasters. An adherence to this rule in this case not only appears unjust, but will disgust, and prevent exertions which may very soon be called for by government.

MADISON TO GALLATIN.

April 5, 1813.

DEAR SIR,—It is determined finally to associate Mr. Bayard in the Mission Extraordinary to St. Petersburg. The Secretary of State informs him of it by this mail. It cannot fail to be useful if you can see him on your way through Wilmington, ascertain his sentiments on the occasion, and hasten his preparations if he should be willing to undertake the service. We hope the vessel will sail in fourteen days at furthest. Affectionate respects.

It being unknown whether Mr. Bayard will accept the proposed mission, it will be best to withhold it from the general conversation.

Mr. Girard is permitted to communicate with the British commander for the purpose of ransoming his ship.

GALLATIN TO MADISON.

TREASURY DEPARTMENT, April 17, 1813.

SIR,—I have the honor to enclose the copy of a letter written this day to the Secretaries for the War and Navy Department, which gives a general view of our fiscal situation for this year,

and regulates the sums which, in conformity therewith, may be monthly drawn during the residue of the year 1813, for the service of each of those Departments respectively.

I have the honor to be, with the highest respect, sir, your obedient servant.

[Enclosure.]

TREASURY DEPARTMENT, April 17, 1813.

SIR,—The loan being now filled, and the probable receipts of the Treasury for this year nearly ascertained, I have the honor to communicate the general result, and the amount on which you may rely for the service of your Department.

The Treasury was so far exhausted on the first day of this month that the small unexpended balance, dispersed in more than thirty banks, could not have afforded any further resources. This unpleasant situation was principally due to the large requisitions made by the War Department during the first quarter of this year, and it is indispensable to adopt some fixed rules which may prevent the occurrence of a similar crisis.

The revenue derived from customs, payable during the remainder of this year, is estimated at	$9,000,000
that resulting from the sale of lands may be estimated at	320,000
Revenue,	$9,320,000
Of the sixteen million loan, there had been received and expended prior to the first of April a sum of $500,000, leaving an unexpended residue of	15,500,000
The only remaining resource is that of the Treasury notes authorized by the Act of last session, which, though yet uncertain, will be taken at its full amount,	5,000,000
Total of resources,	$29,820,000

Of the several branches of expenditure, there are but two which by law are entitled to a priority, viz., the civil list, for the payment of which six hundred thousand dollars are annually

reserved by virtue of the 1st Section of the Act of August 4, 1790; and the payments for the public debt, which, with the exception of the said sum of $600,000, have priority before all other payments, by virtue of the contracts with the creditors and of the several laws making an annual appropriation for that purpose, and pledging that appropriation for the specific objects therein mentioned, which may fall due in the course of each respective year.

The unexpended balance on that account at the end of last year, together with the annual appropriation for this year, after deducting the sum expended from the first of January to the 31st of March last, amounts to $10,500,000

Of this sum, 9,000,000 are necessary to ratify the demands actually due and still payable this year, and the residue of 1,500,000 must also be applied, according to law, to the purchase of stocks, unless these should, contrary to every appearance, rise to par. To which adding the above-mentioned sum of 600,000

makes an aggregate of 11,100,000

which deducted from the aggregate of resources, 29,820,000

leaves the sum of $18,720,000

applicable to all the other expenses, civil, military, and naval, for the remainder of the year 1813.

The civil, miscellaneous, and diplomatic expenses may, in addition to the above-mentioned sum of $600,000, be estimated at about $900,000

which leaves for the War and Navy Departments 17,820,000

$18,720,000

That sum of 17,820,000 may, I think, be divided between the two Departments, by allotting $13,220,000 to the War, and $4,500,000 to the Navy, Department. Should that distribution be objected to, the President must decide, and the alterations which he may direct will be obeyed; but the aggregate, being a matter of fact and not of discretion, cannot be altered unless Congress shall think fit at their ensuing session to provide further funds. By such funds I do not mean appropriations, which are

only an authority to expend, but ways and means which shall, in the course of the present year, place an additional sum of money in the Treasury.

For the reasons already stated, it is necessary that the requisitions from each Department should be as regular and gradual as the receipts into the Treasury commonly are, and that those from the {War / Navy} Department should not, therefore, for each of the nine last months of the year 1813, exceed one-ninth part of the above-mentioned sum of {$13,320,000, / 4,500,000,} or the monthly average of {$1,480,000. / 500,000.}

If a less sum should be sufficient for any one month, the undrawn difference may be added to the requisition for any of the ensuing months where it may be wanted. But, with that exception, no more than the said sum of {$1,480,000 / 500,000} will be paid monthly by the Treasury on account of the {War / Navy} Department, without a special order from the President. And in such case the surplus thus advanced will be invariably deducted from the payment for the ensuing month, in order that there may not be any risk of leaving the payments for the public debt unprovided for. These, as has already been stated, have the priority, and the public faith as well as the laws require that those payments should at all events be made, and that if there be any deficiency it should fall on the other expenses of government.

With respect to the places where money may be wanted, I believe that it will be in the power of the Treasury, on receiving timely notice, to supply the money in any of the Atlantic States where it may be wanted. But should the same rate of expenditure be continued to the westward, I apprehend that the {War / Navy} Department will be compelled either to transport specie or to permit its agents to draw at a discount. And it is not improper to add that this transmission of specie, by draining the places from which we exclusively draw our resources, must have a

tendency to curtail those resources. The last loan of $16,000,000 has been obtained in the following places, viz.:

States east of New York,	$486,700
State of New York,	5,720,000
Philadelphia,	6,858,400
Baltimore and District of Columbia,	2,393,300
State of Virginia,	187,000
Charleston, S.C.,	354,000
	$16,000,000

And it seems both just and convenient that, so far as there may be discretion, and so far as it is practicable, the public moneys should be expended in the places where they are obtained.

This communication it would at all events have been my duty to make, though probably in an inofficial manner, as has been the case on former similar occasions. But it has been deemed particularly important not to leave with the gentleman who will act as Secretary of the Treasury any difficult question unsettled, and to convey at this time a clear understanding of our real fiscal situation for the present year.

I have the honor to be, with great respect, sir, your obedient servant.

The Secretary of { War. / Navy.

GALLATIN TO MADISON.

BALTIMORE, April 22, 1813.

DEAR SIR,—In a conversation with General Armstrong, he appeared disposed to make an excursion towards the scene of action on our northern frontier. I have, perhaps, more confidence in General Dearborn than almost any other person, and, for many reasons, have no wish to see General Armstrong unite the character of general to that of secretary. Yet, from my knowledge of both, I think that the success of the campaign

may be secured by General Armstrong's presence for a few days at the army. His military views are generally more extensive, and for this year's operations appear to me more correct, than those of General Dearborn. I had intended, but forgot, on last Tuesday to communicate this opinion and to state what I thought to be his wish.

With sincere respect and attachment, yours.

GALLATIN TO MONROE.

PHILADELPHIA, 2d May, 1813.

DEAR SIR,—I do not very well understand the object of your letter respecting the Floridas.[1] But it suggests two observations which I beg leave to submit to your consideration. 1st. Where is the importance of taking possession of Mobile this summer? We may do this whenever we please, and is it not better to delay every operation of minor importance which may have a tendency to impede our negotiations with Great Britain and Russia? You know that to take by force any place in possession of another nation, whatever our claim to that place may be, is war; and you must be aware that both Russia and Great Britain will feel disposed, if not to support the pretensions of Spain against us, at least to take part against the aggressor. 2dly. Can we not

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[1] MONROE TO THE AMERICAN COMMISSIONERS.

DEPARTMENT OF STATE, 27th April, 1813.

GENTLEMEN,—Should Great Britain accept the mediation of Russia and a negotiation ensue, you may perhaps find it advantageous to bring to the view of her ministers the relation which the United States bear to the Floridas, having a right to West Florida by cession from France, and a claim to East Florida as an indemnity for spoliations. The town of Mobile, the only part of West Florida remaining in the possession of Spain, will, it is expected, have been taken possession of by the troops of the United States before you commence your negotiation, a law authorizing it having passed Congress at the last session. And as the law authorizing the President to take possession of East Florida in case any attempt should be made by any foreign power to occupy it is still in force, it will be proper for you to have the object of that law in your recollection in your negotiations.

I have the honor to be, &c., &c., &c.

receive a letter giving us official information of the evacuation of East Florida, which the papers inform us to have taken place? This might smooth the ground and be perfectly consistent with the view which it may be proper to give of the Act of Congress on that subject.

I have conversed with Mr. Bayard on the subject of the instructions, which he had not received till yesterday. He expressed his apprehensions that we would fail, and his regret that we had not more discretion on the subject of impressments. He appeared desirous that we had been permitted to have on that subject an informal understanding with Great Britain, which he thought would have been as efficient in practice as a solemn article, and by saving the pride of Great Britain could not have failed to insure success.

By to-day's mail I received the copy of Mr. Daschkoff's offer of mediation, but not that of your answer accepting the offer. I think it important, and request you to send it by return of mail.

Any letter put in the office at Washington on Tuesday night will find me here; and any put in the office on Wednesday night, and directed under cover of Mr. Bayard, at Wilmington, will find me there in time.

Respectfully and sincerely yours.

MONROE TO GALLATIN.

WASHINGTON, May 5, 1813.

DEAR SIR,—As the contemplated arrangements on the subject of impressment will be reciprocal in form; as what Great Britain may deem a concession will be balanced by a concession on the part of the United States; as the question of right can be put out of view in stipulating a course of practice; and as the stipulations will be in a treaty limited for a fixed term of years, it is not presumable that any motive or scruple, much less any serious difficulty, will be opposed to an article in the usual form

providing for the object. The President, being desirous that no unessential consideration should embarrass your negotiation or endanger its result, intends that in providing against the practice of impressment from American vessels you should exercise an entire discretion as to the mode and shape of the provision, taking care only that it be such as by fair construction will bind the faith of the British government to an effective discontinuance of the practice in question. This practice being essentially a cause of war, and the primary object of your negotiation, a treaty of peace, leaving it in silence and trusting to a mere understanding liable to doubts and different explanations, would not be that security which the United States have a right to expect.

With respect to West Florida, possession will be taken of it before you get far on your voyage, if it is not already done, orders having been some time since given for the purpose. That is a question settled. Orders have been given for the evacuation of East Florida, of which I will endeavor to send you a copy by this conveyance.

With respect to the insurance of yours and Mr. Bayard's outfits, I can say nothing decisive at this moment. The claim will be examined, and settled on principles which will be, I doubt not, satisfactory to you both.

The copies of the census which you desire will be sent. I send a copy of certain letters from the governor of East Florida respecting some measures of an hostile nature towards the United States, the more reprehensible being after the conduct of General Matthews had been disavowed and steps taken for the evacuation of the territory.

Having noticed everything in your communication, I have only to add my best wishes for your success and welfare.

Very sincerely, I am, dear sir, yours.

Mr. Adams is possessed of the correspondence with Mr. Daschkoff on the subject mentioned in yours.

MONROE TO GALLATIN.

WASHINGTON, May 6, 1813.

DEAR SIR,—I have yours of the 4th. Mr. Brent, one of the gentlemen in the office, left this with the mail this morning, with despatches to you and Mr. Bayard. The principal object was to convey an answer to your preceding private letter relative to your instructions. That answer, though communicated in a private letter, was decided on by the President in a meeting of the members of the Administration here. I have thought much on the subject since receiving your letter, as well as while the instructions were preparing, and my conclusions have always been the same. Confident that it will be agreeable to you to receive the result of my reflections in this mode, I do not hesitate to communicate them without reserve. My candid opinion is that if we do not secure, in a clear and distinct manner, the forbearance of the British practice, in consideration of the exclusion of British seamen from our service, that it were infinitely better that nothing should be done. An arrangement by understanding was obtained by Mr. Pinkney and me, and the practice of the British government afterwards was an excellent commentary on such an arrangement. It would be considered as a complete victory over the United States, both by the British government and ourselves. You will recollect also that the second proposition made by Mr. Russell, suggested by motives of delicacy to save the pride of the British government, which required as the basis of the negotiation or rather of the armistice, an understanding as to the object, was considered an insult and treated with disdain. It was called by the most odious epithets, even in the declaration of the Prince Regent in reply to our declaration of war. We have already manifested our willingness, Congress and Executive, to remove the British cause of complaint. It is to be presumed that if any arrangement is made, this will be done. It would be deplorable indeed if we did all that we could and received in return nothing but the informal promise of the British commissioners or government to do what it is otherwise their duty to do. I believe that such an arrangement would not only ruin the present Adminis-

tration, but the Republican party, and even the cause. This nation is high-minded, and expects a result correspondent with our rights, and these are certainly moderately, or rather modestly, estimated in the instructions. It is not easy to decide where a treaty which should fall short of the reasonable expectations of the country would place the United States. It would be considered by Europe that we had no government whatever, and they would all begin immediately to trample us underfoot. The expulsion of the present people from office with ignominy would be among its least important effects. The opposition coming in on its principles—I speak of many of its leaders—could not resist the British pretensions, though I should not be surprised in the temper of the nation, under such circumstances, if we should be visited by other and greater calamities. There seems, therefore, to be but one course for the government and yourselves to pursue, marked by your instructions and otherwise too well traced to need repetition. I have no doubt of ultimate success, provided our nerves are equal to the crisis: first, because I believe that your mission will succeed, for I cannot think that England will prolong the war when so fair an opportunity is presented to her to terminate it with honor and advantage; secondly, I think, if your mission fails, that it will rouse more fully the energies of the nation, and lead by greater efforts to a more honorable termination, by the complete expulsion of the British from the continent. In any event, I think it better for the United States, and more honorable for the government, that we continue to maintain in the best manner we can the public rights until we succeed, or our constituents, wearied with the effort, remove us from office and transfer the power to others. Should that be the case, we should at least leave an useful example to the country.

On the subject of East Florida, I think I intimated to you in my last that Colonel Lear was under the most perfect conviction, on the authority of information from respectable sources at Cadiz, that the Spanish Regency had sold that and the other province to the British government, and that it had done so under a belief that we had or should soon get possession of it. My firm belief is that if we were possessed of both it would facilitate your

negotiations in favor of impressment and every other object, especially if it was distinctly seen by the British ministers or minister that, instead of yielding them or any part of either, we would push our fortunes in that direction and in Canada if they did not hasten to accommodate. Satisfied I am that the more we endeavor to tranquillize their fears and to conciliate their esteem by any species of concession or accommodation which may be imputed to timidity or a desire to get out of the war, by the tone assumed in the negotiation, the more certain its failure, and the longer will be the continuance of the war afterwards.

I send a letter of credence to the Emperor, which you will use if justified by usage and found necessary or useful as an evidence of respect. I write in much haste.

With great respect, &c.

GALLATIN TO MONROE.

WILMINGTON, 8th May, 1813.

DEAR SIR,—We have received by Mr. Brent, or by mail, all the despatches, instructions, and letters which either we or you had thought necessary. I do not recollect anything to have been forgotten. Our ship is at Newcastle, our baggage on board, and we are ready to sail the moment the wind will permit. It is to-day directly ahead, but from its long continuance in that direction we expect a change every moment.

From the earnestness of your last letter (of 6th instant), I apprehend that you have misunderstood my meaning on the subject of an informal arrangement respecting impressments. Any such I disapprove as much as yourself, and have never varied in my opinion that an *article* in the treaty giving us security in that respect was a *sine qua non* condition. When I made the communication contained in my letter of the 2d instant, it was only for the purpose of putting you in possession of the fact that Mr. Bayard had viewed an informal arrangement as equally efficient and more practicable than a solemn article. But you may rest assured that he will not be the least earnest in his endeavors to obtain the terms prescribed by our instructions.

On the subject of Florida I have always differed in opinion with you, and am rejoiced to have it in our power to announce the evacuation of the province. Let it alone until you shall, by the introduction of British troops, have a proof of the supposed cession. In this I do not believe. It can be nothing more than a permission to occupy it in order to defend it for Spain. By withdrawing our troops we withdraw the pretence; but the impolitic occupancy of Mobile will, I fear, renew our difficulties. The object is at present of very minor importance, swelled into consequence by the representations from that quarter, and which I would not at this moment have attempted, amongst other reasons, because it was a Southern one, and will, if it should involve us in a war with Spain, disgust every man north of Washington. You will pardon the freedom with which, on the eve of parting with you, I speak on this subject. It is intended as a general caution, which I think important, because I know and see every day the extent of geographical feeling, and the necessity of prudence if we mean to preserve and invigorate the Union.

With every wish for your success in the management of our public affairs, and for your private welfare and prosperity, and with respectful attachment, I remain, &c.

It appeared to me improper to give Mr. Pflug any American character or appearance; concealment of his being employed to carry the Russian despatches being, as I thought, forbidden by the law of nations. (See Robinson's Reports, sixth volume, two last cases,—Atalanta and Carolina.)

GALLATIN TO MESSRS. BARING BROS. & CO.

GOTTENBURG, 22d June, 1813.

GENTLEMEN,—The President of the United States having accepted on the part of the said States the mediation offered by the Emperor of Russia, Mr. Bayard and myself have been appointed, jointly with Mr. Adams, ministers, with full powers to

treat of peace with such ministers as may be appointed on the part of Great Britain. We left the United States in the public ship Neptune, Captain Lloyd Jones, on the 11th of May, arrived here on the 20th instant, and intend to proceed this evening in the ship on our way to St. Petersburg.

We are authorized to draw on you for our salaries and for the contingent expenses of the mission, and, in order to assist us with the best mode of negotiating bills, will thank you to let us know at St. Petersburg the course of exchange between London and Amsterdam.

We will also be obliged to you to have the account and date of our arrival here inserted in Lloyd's List and some other paper, as it may give to our friends in America the earliest account of our safe arrival.

Of the fact that we are appointed to treat and on our way to St. Petersburg for that purpose, as stated in the first paragraph of this letter, I should wish your government to be informed. And we will be thankful for any intelligence connected with our mission which you may deem important and which you may feel at liberty to communicate. We sailed with a passport from Admiral Warren; and whatever may be the result of this mission, we feel anxious to return speedily and safely to America. We will detain the Neptune at St. Petersburg for that purpose, and may want a passport from your government for her return with ourselves and suite on board. It is presumable that this will be obtained without difficulty. And will thank you to make the inquiry, and to cause, if necessary, such passport to be forwarded to us at St. Petersburg.

ALEXANDER BARING TO GALLATIN.

LONDON, July 22, 1813.

DEAR SIR,—The letter with which you honored my house from Gottenburg has remained for a few days unanswered, for the purpose of obtaining the information necessary to enable me to make a satisfactory reply.

For the money you may require you will please to direct

drafts upon us or on Amsterdam in any manner you may think expedient. Messrs. Meyer & Bruxner, bankers at St. Petersburg, by whom this letter will be conveyed to you, have our directions to obey any orders you may give them on this subject, presuming that you will prefer not to let your own drafts go into public circulation. Our present exchange with Holland is about 79 the pound sterling, which will enable you to calculate what mode of reimbursement will best answer your purpose.

I have taken care to make in the proper quarter the communications you desire, and, as you express a wish to be informed of any occurrences here relating to your mission, some observations may perhaps be acceptable on the dispositions of government and of the public concerning it, upon which I have good reason to assure you that you may perfectly rely.

I anticipated the most favorable result from the names which constituted this new commission, and felt confident that we should soon see an end of this senseless war. I was quite sure you would not leave your home without the powers and the disposition to do your country this essential service, and although the *place* fixed upon for the negotiation, and the manner in which it was proposed to conduct it, considerably abated the confidence of the public, I never entertained those doubts of the sincerity of America with which those circumstances inspired others.

The mediation of Russia was offered, not sought,—it was fairly and frankly accepted,—I do not see how America could with any consistency refuse it; but to the eyes of a European politician it was clear that such an interference could produce no practical benefit. The only question now seriously at issue between us is one purely of a domestic nature in each country respectively; no foreign government can fairly judge of it. A question of the relative rights and duties of sovereign and subject between two great countries, where, owing to their recent separation, a distinction between the great masses of their seafaring population becomes almost impossible, can only exist between Great Britain and America; no other country can judge of the various positions of great delicacy and importance to which such a state of things must give rise; and even where the best understanding prevails between European courts, there are shades of difference and

sometimes feelings of various sorts which must prevent any cordial mediation on such points. On the other hand, what a handle does such a subject offer for fomenting discord on points totally foreign from it! We have lately seen a threat of dragging American politics into a German congress, among powers neither understanding nor caring for any of its interests, but merely to enable them to wrangle more dexterously about their own.

This is not the way for Great Britain and America really to settle their disputes; intelligent persons of the two countries might devise mutual securities and concessions which perhaps neither country would offer in the presence of a third party. It is a sort of family quarrel, where foreign interference can only do harm and irritate at any time, but more especially in the present state of Europe, when attempts would be made to make a tool of America in a manner which I am sure neither you nor your colleagues would sanction.

These, I have good reason to know, are pretty nearly the sentiments of government here on the question of *place* of negotiation and foreign mediation, and before this reaches you you will have been informed that this mediation has been refused, with expressions of our desire to treat separately and directly here, or, if more agreeable to you, at Gottenburg.

I believe you may rely upon it that from this resolution we shall not here depart, not only from the sense of the objections I have already stated to a mediating negotiation, but that your persevering in such a course will be considered here as the touchstone of your sincerity. Although I trust our government does not participate in the prevailing opinion here that a secret political connection exists with France, yet your persevering in bringing this insulated question before the powers of the Continent would favor those suspicions, and induce ministers to believe that your only object was to assist France in the sort of mystification and confusion in which it often suits her purpose to involve her diplomatic negotiations.

I trust that these considerations, duly weighed, will satisfy you that no inference is to be drawn from our refusal of the Russian mediation unfavorable to our disposition for peace, and that if we wish to remove the seat of the negotiation it is in reality for

the purpose of coming at that result with more certainty. This city has, I understand, been proposed to you, and Gottenburg offered as an alternative in case you do not choose to trust yourselves so near to us.

My hopes of a favorable result would be much increased by your coming at once in contact with our ministers. The advantages in all cases of treating with principals is obvious, but the peculiar character of the point in dispute gives them greater weight. You would find any minister of this country very cautious in giving instructions to any plenipotentiary to treat on a subject of so much delicacy as the rights and duties of sovereign and subject. Those instructions must remain recorded in his office, and may be called for by Parliament. Concessions might be made, securities and substitutes devised, and difficulties overcome in a direct negotiation which I should almost despair of if it were to be carried on at a distance; and I am quite sure that the mass of intelligence which your commission affords on the relative policy of Great Britain and America is more than a match for all our island can produce on the same subject, upon which the ignorance of many of our leading characters would probably surprise you. But you would naturally wish to ask the question whether, should you consent to come here to negotiate, there is a probable chance of a favorable result. Upon this I will give you my candid opinion, and I know that I can, without deceiving you, state the sentiments of government.

That we wish for a restoration of peace with you need not be argued. Our situation, the great contest in which we are engaged, make it impossible that we should be otherwise than heartily desirous of putting an end to a contest from which we suffer considerably (though, perhaps, less than was anticipated), and from which no good can result. The extent of injury which the two countries can do each other is now pretty well ascertained, we can tease and weaken each other without any practical result, and you cannot for a moment doubt our wish to carry the resources now employed in defending ourselves against you into the more important field of European contest.

With these feelings, why has the war continued so long? The only serious point at issue may be said to be that of the impress-

ment of seamen,—a question presenting of itself serious and not imaginary difficulties. To hope for any solution of them the disposition on both sides must be sincere, the spirit of peace must animate both parties, and I will not disguise from you that when America set this question of seamen up as cause of war after the great effort for conciliation was made in the repeal of the orders in council, the prevalent opinion here was that the war was a war of passion with the people of America, and that concessions would only show weakness, and never satisfy them, and that therefore no alternative was left to us but to fight it out as well as we could. Whether this opinion was well or ill founded need not now be discussed; it prevented at the time any deliberate consideration of the question of seamen, which was considered merely as a pretext, to be followed by some other if once removed. This opinion I believe to be, in as far as government is concerned, on the change. The representation of persons desirous of seeing a return of peace on honorable terms, a growing opinion that America has a real and serious interest in this question of seamen, the repeated wish expressed by your Executive, and above all, the characters appointed for the pacific mission to St. Petersburg, have excited hopes; there is a disposition to examine the question, and I am quite certain that I can now assure you that should you come here you will be received with confidence in your intentions, with great personal respect, and with a determination to come to terms of peace with you if it be found practicable to do so consistently with the safety of our maritime power, supposed to be, and which undoubtedly is, involved in this question.

So much I can confidently say of the disposition existing here. But are the difficulties, supposing the disposition on both sides to be perfect, of themselves insurmountable, or are we doomed to the necessity of perpetual war? Upon this point I will give you with sincerity my opinion. I shall not trouble you with any extensive discussion of a subject with which you are so well acquainted. The difficulties are very considerable, but, although I can hardly say that I think they can be surmounted to the *entire* satisfaction of both parties, I do think that by sincere and friendly discussions some system may be

devised of practical efficiency to answer the reasonable purposes of both countries. At all events, it is the duty of both to make some arrangement, because some arrangement or perpetual war are the only alternative. It is easy on either side to dress the question out with popular attractions, but any indifferent person understanding it and considering it calmly must be sensible that on our side we could not admit your pretensions to their full extent without endangering the discipline, and even the existence, of our navy, and, on the other hand, that on your part you cannot submit to the existing system as practised by us. There is, therefore, a necessity of some settlement. If you submitted at present, the growing power and population of America would force a settlement on the two countries at no distant period, perhaps after ruinous wars. Being frequently accused here of undue partiality towards America, I trust at least that I shall have credit with you for a sincere wish to see an end put to so permanent and certain a source of strife; but I must freely confess that, highly as I value a state of peace and harmony with America, I am so sensible of the danger to our naval power from anything like an unrestricted admission of your principles, that I should almost incline to think it safer to consider an American as an inevitable concomitant of a French war, and to provide for it accordingly. It is useless to discuss the abstract question of right when it becomes one of necessity, and with us I sincerely believe it to be so.

If, therefore, the disposition of your government be to adhere pertinaciously to the determination to give us no better security than the Act of Congress lately passed, I should certainly think your coming here or negotiating anywhere useless for any good purpose. I know it must be so, because I know that any government of this country would be restrained from such an unlimited concession by its known and certain danger, by the state of public opinion, and that the best friends to the restoration of peace would not be bold enough to recommend it. But, on the other hand, if you are desirous of endeavoring, by mutual explanation and concession, to consult the security and just apprehension of both countries, I know that I can assure you that you will find a corresponding disposition here; and although I

would not speak lightly of the difficulties to be overcome, I am inclined by a long consideration of the subject to anticipate every reasonable degree of success from the joint efforts of yourselves and those persons whom our government will be prepared to appoint to meet you.

I have thus, my dear sir, ventured to suggest to you what occurs to me on the interesting subject of your mission. I should not have risked opinions without feeling certain that I was not misleading you if you think proper to trust to them. I hope they will encourage you not to return to America without at least making an experiment in the manner most likely to lead to success.

I am assured by my Lord Castlereagh that the requisite order shall be sent for permitting your cartel-ship, the Neptune, to carry the gentlemen composing your mission wherever they may think proper; and I trust that I shall be ere long gratified by seeing her bring with you the hope of peace to our shores.

If I can be personally of any service, I trust you will freely command me, and that I may be permitted to present my compliments to Mr. Bayard and Mr. Adams, with whom I believe I have the advantage of a very slight acquaintance, which I should have the greatest satisfaction in being afforded an opportunity of improving.

I am, with great consideration and personal regard, dear sir, your very obedient servant.

THE AMERICAN COMMISSIONERS TO THE EMPEROR ALEXANDER.

Inofficial note[1] concerning the impressment of seamen on board of American vessels by the officers of the British navy.

ST. PETERSBURG, $\frac{2d}{14th}$ August, 1813.

The impressment of American seamen has been, ever since the year 1792, and until the commencement of the present war be-

[1] The original in French was written by Mr. Gallatin. The translation was made by J. Q. Adams.

tween the United States and Great Britain, a constant subject of remonstrance on the part of the government of the United States. After general fruitless negotiations, the war at length broke out: to this cause it must chiefly be ascribed; and a settlement on this subject is the greatest difficulty to be surmounted to accomplish a restoration of peace between the two countries.

The pretensions of Great Britain had at first appeared to be confined to British seamen who had deserted from some ship and entered the American service. They were gradually extended further. The British government claimed and seized all British subjects, whether deserters or otherwise, and at the same time, in the face of their own principles, refused to discharge American seamen settled or married in England, or who, they pretended, had voluntarily entered their service.

But, whatever might be the nature of the real or pretended rights of Great Britain, it was the extraordinary means which she employed to maintain them which the United States were always bound to resist. Instead of seeking to recover her seamen by demands addressed to the American government or by consenting to some reciprocal and definitive settlement, from the beginning and without interruption she had recourse to force. For twenty years in succession her naval officers have seized and carried away, without any formality, from on board American vessels, not only in British ports but on the high seas, and sometimes even in neutral ports, every passenger and seaman whom it suited their convenience to take and whom they pretended to be British subjects. By an unavoidable consequence of such an aggression, the abuses have far outstripped the iniquitous principle advanced. Thousands of native American seamen have been torn from their country and their families, forced to enter into a foreign service and to fight against nations at peace with their own. Although the pretext employed to palliate this enormity was the difficulty of distinguishing the Americans from the English, even foreign seamen in the American service, whose language made it impossible to mistake them for British subjects, have often been taken. The United States never could submit to such an order of things. Their navigation was materially affected by it, not merely by the loss of the seamen thus taken

from it, but by that of the still greater numbers driven to abandon their profession or deterred from embracing it by the dread of British impressment. Above all, America was bound to protect her own citizens; and she owed it to herself and to other nations not to endure such an outrage upon her independence and her sovereignty, such a debasement of her flag, such a flagrant violation of her neutrality. Nevertheless, the government of the United States, with patience unparalleled, and which is perhaps the only blame that can be imputed to them, never ceased during twenty years together to negotiate, to discuss, and to forbear.

It would be useless to enter into the detail of all the discussions which have taken place on this subject, and it appears sufficient to point out the specific propositions which at different times have been made.

In the year 1800, his Britannic Majesty's minister to the United States, Mr. Liston, having proposed a plan for the reciprocal restitution of the deserters from the service of the two nations, which appeared to recognize the British pretension upon the subject of impressment, the government of the United States offered to enter into a reciprocal engagement to deliver up deserters upon condition that the practice of forcibly seizing seamen upon that pretext on board of American vessels should thenceforth cease. This proposition was not accepted, and the abuses on one side and the remonstrances on the other continued until the Peace of Amiens.

V., for what occurred under General Washington's Administration, Collection No. 1, p. 5 to 11, and 39 to 44.

V. Collection No. 1, p. 13 to 35, particularly p. 19, Art. 7, of Mr Liston's plan, and p. 25, 26, Art. 4, of the American counter-project.

In 1803, on the renewal of the maritime war, Mr. King, the minister from the United States in England, attempted to conclude a settlement, and believed he was on the point of succeeding. Lord St. Vincent, who was at the head of the Admiralty under Mr. Addington's Administration, and to whom the matter had been referred, verbally consented to a convention in the following terms:

V. Collection No. 1, p. 35 to 39, and 44 to 48.

1. No seaman nor seafaring person shall upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship or vessel belonging to the citizens or subjects of one of

V. the whole letter of Mr. King, in the Collection No. 1, p. 48 to 50.

the parties by the public or private armed ships or men-of-war belonging to or in the service of the other party, and strict orders shall be given for the due observance of this engagement.

2. Each party will prohibit its citizens or subjects from clandestinely concealing or carrying away from the territories or colonial possessions of the other any seaman belonging to such other party.

3. These regulations shall be in force for five years, and no longer.

An unexpected objection broke off the negotiation. Lord St. Vincent claimed an exception from the arrangement, of *the narrow seas*, as belonging exclusively to Great Britain. Mr. King justly thought it better not to conclude the convention than to acquiesce in this extraordinary and obsolete pretension, by which England arrogated to herself the sovereignty of the Channel and other open seas, through which the whole commerce of the United States with Holland, Germany, and the Baltic must necessarily pass.

In 1806, Messrs. Monroe and Pinkney, ministers from the United States at London, were authorized to open a negotiation and to conclude a treaty which should embrace all the subjects of difference between the United States and England. Lords Holland and Auckland had the same powers on the part of the British government. Messrs. Monroe and Pinkney proposed, with regard to impressment, an article more detailed, but in substance like the first article of Mr. King's plan, and offered to consent to another article, by which it should be, first, forbidden to every captain or master of a vessel of either of the parties being in the ports of a third power, or in the ports of one of the parties, with a vessel of the other party, to receive on board and carry to sea any sailor belonging to and deserting from such vessel; and, secondly, enjoined that in case any master of a vessel should, notwithstanding, receive on board, and carry into a port of his own country, sailors having so deserted in a neutral port, they should be delivered up to the consul of their nation upon their arrival.

v. No. 2, for their project.

The English negotiators rejected these propositions, and offered a counter-project, by which the two powers were to engage to enact laws, in cases when either of

v., for this counter-project, No. 2.

the two nations should be at war, to punish severely every captain of a belligerent vessel who should impress or carry off, on any pretence whatsoever, from on board the neutral vessels, the native subjects of the neutral, or others, not being the subjects of the belligerent. This proposition was necessarily considered as altogether inadmissible, inasmuch as it recognized as lawful the pretended right of England to seize on board of American vessels those whom she should consider as her subjects. By accepting it, America would have sacrificed her rights and abandoned forever the hope of an arrangement founded upon justice. And this sacrifice and abandonment would have been entirely gratuitous; for England, having never pretended to a right of impressing native American seamen, promised nothing but what upon her own principles and without any stipulation she was already bound to do; and in the last resort she offered no security, other than the expectation, so often disappointed, of a more moderate conduct on the part of her government and naval officers.

All hopes of concluding a positive arrangement having vanished, the English commissioners addressed a note to Messrs. Monroe and Pinkney, in which, after having declared that the British government was not prepared to abandon a right founded on immemorial usage, and in the exercise of which the security of the British navy might be essentially involved, that they were nevertheless ready to discuss any plan that could be devised to secure the interests of both states without any injury to rights to which they were respectively attached, and that in the mean time the most positive orders should be given that the citizens of the United States should not be molested or injured by the impressment of British subjects. The wish was expressed of terminating the other subjects of difference by a treaty.

V. their note, 8th November, 1806, No. 2.

The American ministers justly considered the pledge offered by this note, which required nothing from the United States, as a method preferable to the stipulation proposed by the counter-project. Believing that the British Administration, weakened by the death of Mr. Fox, offered perhaps all that they dared, and hoping that a definitive adjustment of the other points

might tend to conciliate the two governments, and might lead, under more favorable circumstances, to an arrangement on the subject of impressment, they consented, contrary to their instructions, to sign a treaty of commerce, which did indeed embrace most of the questions in controversy between the two powers, but which contained no article respecting impressment, and no definition of what should constitute a lawful blockade. The treaty was likewise accompanied by a note from the English commissioners, declaring that, on certain contingencies, the British ratification of the treaty might be withheld, or similar measures taken to those which were in fact afterwards adopted by England under the denomination of *Orders in Council.*

31st December, 1806.

The President of the United States (Mr. Jefferson), though approving the motives of Messrs. Monroe and Pinkney, absolutely refused to ratify a treaty which left the question of impressment undecided, and, without even consulting the Senate, sent it immediately back with new instructions to the American ministers. Then for the first time, seeing the impossibility of obtaining from England an abandonment of her pretension on the sole condition of restoring her deserters, and finding it was necessary to propose a plan which should give her entire satisfaction with regard to her seamen, the American government made an advance towards the basis now contemplated, and authorized Messrs. Monroe and Pinkney to consent to an article by which each of the two nations should engage, in time of war, not to employ on the high seas, on board of their vessels, any seaman not being its own citizen or subject and being a citizen or subject of the other, and who should not have been for two years constantly and voluntarily in its service or within its jurisdiction.

V. extract from the instructions of 20th May, 1807, No. 2.

It is probable that this proposition, with such modifications as England might have desired, would have led to a final arrangement suitable to both nations. But it was never formally offered or discussed. The British government, grounding their refusal upon the rejection of the treaty by the President, refused to resume the negotiations. The attack upon the American frigate the "Chesapeake," which happened

23d June, 1807.

the same year, and the interdict upon the American commerce known by the name of the orders in council, which immediately followed, produced exasperation and reciprocal recriminations, and arrested the negotiations upon all the other points. It will suffice to observe that a fruitless effort was made to induce England to connect the discussion upon the subject of impressment with that upon the affair of the Chesapeake, and that notwithstanding the tenor of the note of 8th November, 1806, above cited, and the reclamations which the ministers and officers of government of the United States have never ceased to make, the abuses had not diminished, and the impressment of American seamen continued without interruption until the declaration of war.

After that declaration the President of the United States authorized Mr. Russell, their last chargé d'affaires at London, to propose to the British government an armistice, on condition that the orders in council should be revoked, and that the practice of impressment on board of American vessels should cease, promising that in that case the American government would enact a law (to be reciprocal) forbidding the employment of English seamen on board of American vessels, whether public or private. This proposal, which was presented in two different forms, was rejected, on the ground that Mr. Russell had not sufficient powers to negotiate, and especially because the American government demanded of England as a preliminary condition the abandonment of her ancient custom of impressing British sailors on board of American vessels, without giving her any security, other than a simple assurance that America would afterwards enact a law prohibiting the employment of British seamen on board of her vessels. Lord Castlereagh closed his answer in the following manner:

V. Mr. Russell's letter to Lord Castlereagh, of 24th August, 1812, No. 3, p. 32 to 35.

V. Lord Castlereagh's answer, 29th August, 1812, No. 3, p. 35 to 37.

"The British government now, as heretofore, is ready to receive from the government of the United States, and amicably to discuss, any proposition which professes to have in view either to check abuse in the exercise of the practice of impressment, or to accomplish by means less liable to vexation the object for which

impressment has hitherto been found necessary; but they cannot consent to suspend the exercise of a right upon which the naval strength of the empire mainly depends, until they are fully convinced that means can be devised, and will be adopted, by which the object to be obtained by the exercise of that right can be effectually secured."

We shall not dwell upon the remainder of the correspondence between Mr. Russell and Lord Castlereagh, which has no immediate relation to the subject of impressment. But it may be necessary to observe that the British government had on their part authorized Admiral Warren to make a proposal of peace to the government of the United States, founded upon the revocation of the orders in council, which was not known in America when the war was declared. Admiral Warren having no authority to treat on the subject of impressment, and his proposition being merely that in consideration of the repeal of the orders in council there should be a suspension of hostilities, and that the United States should repeal the law prohibiting the importation of British merchandise, this proposition was rejected by the American government.

V. No. 4.

V. Admiral Warren's letter, 30th Sept., 1812, and Mr. Monroe's answer, 27th Oct., 1812, No. 3, p. 39 to 45.

Animated by the constant desire of removing beforehand the obstacles which might impede the restoration of peace, the United States shortly afterwards enacted a law by which, from the expiration of the present war, the employment of every person not being a citizen of the United States on board of American vessels, whether public or private, is prohibited, and which, by requiring a continual residence of five years without going out of the territory of the United States as an indispensable preliminary to naturalization, actually excludes from that right all foreign seamen not already naturalized. The number of these is too inconsiderable to present any real cause of difficulty.

V. the law of 3d March, 1813, No. 5.

Finally, the offer of mediation made by his Imperial Majesty the Emperor of all the Russias having been received by the United States immediately after the adoption of this law, the President accepted it without hesitation, and immediately despatched to St. Petersburg an extraordinary mission, with full

powers to conclude a treaty of peace with Great Britain under the mediation of his Imperial Majesty.

From this statement of facts, the hope may reasonably be entertained that England can have no fair objection to open a negotiation, and that its issue would be favorable. A few observations in this respect are submitted, with a view to avert the preliminary difficulties which might arise.

1. England has never refused to negotiate upon the principle now proposed. On the contrary, she has always declared, and particularly in August last in the above-cited note of Lord Castlereagh, that the British government was ready to discuss any proposition which should substitute instead of impressment any method equally efficacious, but less liable to vexation.

2. The proposition now intended by the American government to be made has never been rejected, nor even discussed. All those which have hitherto been considered as insufficient had for basis only the mutual restitution of seamen who had deserted from some public vessel; whereas this consists in excluding from American vessels British subjects whether deserters or not. The last offer which Messrs. Monroe and Pinkney had been authorized to make in May, 1807, was modified in a manner which might not have been satisfactory; and circumstances distinct from it prevented even its being discussed. The proposal made by Mr. Russell was rejected not because an arrangement founded on his proposition was considered as inadmissible, but because it was presented as a preliminary condition, and for the reasons already mentioned.

3. The law of 3d March is to be considered only as indicating the basis upon which the United States believe it possible to treat with success. The general principle adopted in it, of excluding British seamen from American vessels, is alone to be considered. The means by which this principle would be carried into effect by the law are those which the United States, without having consulted England, judged sufficiently efficacious. But it was foreseen that a treaty which might have the concurrence of two independent powers might require other modifications; and a clause was inserted in the law itself, providing that nothing contained in

V. the law, Sec. 21, No. 5.

it should prevent an arrangement concluded by treaty between the United States and any foreign nation.

Without entering at present into further details, it will merely be observed that the object in view may be attained either by restricting, as the law proposes, the admission of foreign seamen to the rights of American citizens, or by excluding from American vessels not only British subjects not naturalized in America (as the law likewise proposes), but even all British subjects who may be naturalized hereafter. It may be said in general terms that every modification will be admitted, necessary for the satisfaction of Great Britain and compatible with the rights of sovereignty and the national honor.

4. Great Britain claims only her own subjects. America consents to exclude British subjects from her vessels. Being agreed upon the principal point, an arrangement appears to be practicable without affecting the respective rights of the two nations, and in a manner which, discarding the vexations and outrages upon the Americans, will at the same time be more advantageous to Great Britain than the violent means of impressment which she has hitherto employed.

As to the question of abstract rights, America does not ask of England to abandon any of those maritime rights which she has or believes herself to have. England, on her side, cannot demand that America should abandon hers, as she necessarily must should she subscribe to the practice of impressment, whereas nothing is asked of England but to abstain, for an equivalent, from the exercise of a right which she says she has, but without abandoning it. It would besides be easy to insert an article in the treaty expressly declaring that the arrangement is merely conventional, without affecting in any manner the respective rights of the two nations.

It cannot be doubted that the measure proposed by the United States would be more effectual than that of impressment, and would restore to England a number of English seamen much more considerable than she now seizes by force. By impressment she can only recover a part, while America consents to exclude from her service the whole. England can, therefore, allege no objection but the fear that the United States would

not fulfil their engagement. By the importance which they attach to the redemption of their seamen from the danger of British impressment a judgment may be formed of the interest they will have scrupulously to execute a stipulation upon which would depend the security of those seamen and the continuance of peace. If, however, England should still harbor doubts on this subject, it must be remembered that the proposed arrangement having reserved the respective rights of the two nations, being purely conditional and even limitable in duration, may be considered as an experiment which will bind the British government only so far and so long as America shall fulfil on her part the conditions to which she will have assented. England, therefore, not only cedes no right, real or pretended, but will even hazard nothing by abstaining from her pretension. For, however ill founded this may appear to the United States, the settlement being conditional and the engagements mutual, from the instant that America should fail to perform hers, that of England would cease to be binding upon her; and her right of impressment, though always contested, will certainly then be as lawful as it could have been before she acceded to the proposed arrangement.

This note having no other object than to exhibit in a general manner the facts and the views of the American government, all discussion of the question of right has been purposely avoided in it. The silence which, from respect for the character of impartiality of the power which has offered its mediation, has been observed with regard to this question, cannot be considered as an abandonment of the principles which the United States have always maintained. We shall always be ready, should the occasion require it, to develop those principles, and to demonstrate the futility of the arguments by which England has endeavored to support her pretension and to justify her conduct.

MOREAU TO GALLATIN.

[21st August, 1818.]

MON CHER MONSIEUR GALLATIN,—Me voilà de nouveau à l'armée, prêt à combattre Bonaparte et le faisant, je vous l'assure,

sans la moindre répugnance, bien convaincu que si dans ma petite capacité je puis contribuer à sa chute, je recevrai aussi ma part de remerciements de la France et du monde entier: peu importe la bannière quand on réussit. Si Robespierre avait été tué par les Royalistes, les Républicains les en auraient remercié 24 heures après.

J'ai appris avec bien du chagrin que votre mission n'aurait pas le résultat que nous nous étions tous promis, malgré la puissante médiation de S. M. Impériale. Les Anglais ne veulent pas traiter de leurs droits maritimes sous aucune médiation. Voilà ce que m'a dit un de leurs ministres en Allemagne.

Quoique je n'ai pas l'honneur d'être Américain, je m'intéresse bien sincèrement au sort d'un pays où j'ai resté si longtemps et où j'ai reçu tant de marques d'amitié. Je ne suis pas aveugle sur la position actuelle de ce pays, mais j'aurai toujours de la partialité pour lui. Je m'intéresserai toujours à son bonheur et à ses succès.

Le refus du gouvernement anglais doit vous mettre dans une situation très-désagréable.

Je vois d'ici les Fédéralistes exagérés rire des maux de leur pays par l'espoir de voir le triomphe de leur parti, et les exagérés du parti contraire en profiter contre vous et le Président; car il ne faut pas vous en flatter, quelque mécontentement que le refus des Anglais de traiter en Russie puisse occasionner, la guerre ne sera pas nationale; il y a trop d'égoïsme, trop de richesse dans toutes les classes, et pas assez d'argent dans les caisses de l'état, pour qu'on puisse espérer un mouvement assez vigoureux de la nation qui la mette dans une attitude imposante.

Les Anglais veulent, dit-on, traiter de la paix sans médiation. Je le crois, mais il est à craindre que la vanité américaine n'accède pas sur-le-champ à cette façon de faire, et que les malheurs de cette guerre continuent encore quelque temps. S'il n'y a pas de commotion intérieure, ce ne sera qu'une perte d'argent, et la durée de la guerre aura pour les Anglais un grand désavantage, celui de vous apprendre de vous passer d'eux.

Le pire sera l'avantage que vos ennemis particuliers et ceux du Président en tireront pour vous nuire, vous accuser de précipitation dans l'envoi de ministres avant de vous être assurés de l'accession de l'Angleterre. Il est beau de commettre de pareilles

erreurs. L'empressement de faire cesser les maux de la guerre peut éprouver la censure de la politique, mais certes il méritera à celui qui la montre l'approbation des amis de l'humanité.

Je désirerais bien recevoir de vos nouvelles avant votre retour en Amérique. S. M. Impériale, l'homme le plus humain et le plus honnête que je connaisse, me comble d'amitié. Il s'intéresse aux Américains et sera toujours prêt, j'en suis sûr, à user de toute son influence pour leur procurer la paix. Si je pouvais vous être bon à quelque chose ou pour votre mission ou pour vous-même, veuillez disposer de moi et croire aux sentiments de la considération la plus distinguée avec laquelle je suis

Votre très-humble et très-obéissant serviteur.

Au Quartier-Général Impérial, Hrushova, 21 août, 1813.

GALLATIN TO ALEXANDER BARING.

St. Petersburg, 27th August, 1813.

Dear Sir,—The letter (of 22d July) with which you have favored me was received on the 17th inst. For this I return you my sincere thanks, and duly appreciate the importance of the information you have obtained, and the motives which have actuated you. Although I cannot write as freely as a person whose communications do not commit his own government, the hope that our correspondence may be of some public utility induces me to enter as far in the subject as is consistent with my situation.

We have not received, as you had suggested, the information that the mediation of Russia had been refused by Great Britain, with expressions of a desire to treat with us separately and directly at London or at Gottenburg. It is possible that Lord Walpole, who is said here to have gone to the Emperor's head-quarters, may be the bearer of that communication. We have in the mean while been notified that the Emperor had, on the arrival of our mission, given orders that his offer of mediation should be renewed; and we will wait here the result. But if

your government should, after due consideration, persist in its absolute refusal of that offer, a negotiation with us cannot be opened, since our powers in that respect are to treat of peace with Great Britain expressly under the mediation of Russia. We have a distinct commission to treat afterwards of commerce, if agreeable to your government, and without reference to any mediation. This was alluded to by the President of the United States in his last message, and is now mentioned as an evidence of his sincere desire not only to make peace, but to establish the relations between the two countries on the most friendly footing.

It does not belong to me to discuss the objections which your government may have to treat of peace under the mediation of Russia; but we were altogether unaware, when we left America, that any such could exist. Russia had an interest in the restoration of peace between the two countries, since the war interrupted her commercial relations with America, and diverted a certain portion of the British force from the important object of European warfare. In the terms on which peace should be made, in the essential point at issue,—a point which, as you suggest, could not in practice arise with respect to her,—she had no immediate interest. In those respects she united therefore the essential requisites in a mediating power, a sincere wish that peace might be made, and impartiality as to the subjects of dispute. On the other hand, with Russia we had only friendly and commercial relations, but no political connection. You had also with her relations of the same nature with ours and on a much more extensive scale. And you had at the same time an intimate political connection, necessarily arising from your being united in a most important conflict against a formidable common enemy. You are her ally in a war which to her is an object of so much superior importance to the interest she has in the restoration of peace between you and us, that America might have hesitated to accept her mediation had it not been for the great confidence we place in the personal character of the Emperor. This we considered a sufficient pledge of impartiality; and, certain that your government at least in that respect entertained sentiments similar to ours, we did not presuppose that if the mediation was accepted by us there could be any hesitation

on the subject on the part of Great Britain, unless she considered peace as, at all events at this moment, either impracticable or undesirable. We did also believe that our accepting as a mediator a sovereign at war with France was such a clear evidence of our neither having nor wishing to have any political connection with this last power, that it must remove those suspicions on the part of your government to which you allude, and which, although altogether erroneous and destitute of foundation, might probably continue to have an unfavorable effect on its dispositions and determination.

Such was the view of the subject under which our government acted in the appointment of the extraordinary mission; and you must at once perceive that if a rejection of the mediation on the part of Great Britain had been anticipated, the result would have been, not a direct mission to that country for which there was no preliminary foundation, but merely a declaration that the United States accepted the mediation, and would be ready to act upon it whenever it was accepted by Great Britain.

It will be a matter of regret if this frank proceeding on the part of America, this effort to re-establish peace in an honorable manner and without suing for it, should, on the threshold, be defeated by the absolute refusal of your government of the offered mediation. Without at all entering in a discussion of the objections they have to that measure, still, so far as those objections are exhibited in your letter they do not appear to me to go beyond a belief that a direct negotiation would afford a better prospect of success than one conducted under the mediation of any third power. This may be true; but as it does not, however, seem necessarily to imply that the attempt to negotiate under a mediation may not under certain circumstances be made, or that a mediation, where America is concerned, is at all events and in itself inadmissible, I still indulge the hope that your government, finding that a rejection of the mediation is, so far as this mission is concerned, a refusal to negotiate, and placing that confidence in the sincerity of our dispositions and views to which we feel ourselves entitled, will, on a due consideration of the subject, find it practicable to reconcile an acceptance of the mediation with their views and principles.

With respect to the main question, the probability of an arrangement, you are sensible that I cannot at this time and on this occasion enter into details. That I would not have given up my political existence and separated myself from my family unless I had believed an arrangement practicable and that I might be of some utility in effecting it, you are sufficiently aware. The law to which you allude is a municipal regulation, which may, however, be considered as a primary evidence of the general disposition of the American government to advance towards a compromise. On that subject I could not be more explicit without in fact entering into the negotiation itself. I will only state that, however desirable it might be to define with precision and in a permanent manner the respective rights of the two countries on the subject of impressment, I do not hope that this can be effected at this time, or that either nation can be induced to abandon its rights or pretensions in that respect. All that, in my opinion, can be done is an arrangement, by way of experiment, which, reserving to both nations their respective abstract rights real or assumed, shall be founded on mutual engagements in such manner that the failure of either nation to fulfil her engagement shall absolve the other nation from her own and leave her in as full exercise of her rights and pretensions as if the arrangement had not been made.

I have thus freely communicated as far as our relative situation seemed to permit, being well assured that what I have said will be used for its intended purpose of assisting in promoting a restoration of peace. I know how dear this object is to you, and that we both have an equal desire that not only peace but the most friendly relations and understanding should subsist between the two countries. I can assure you that such also is the sincere and earnest desire of my government, and that nothing which can be done in that respect will be omitted on my part or on that of my colleagues. Whatever the result may be, I will preserve a just sense of your friendly conduct on this occasion, and remain with great consideration and sincere regard, dear sir, your very obedient servant.

GALLATIN TO MONROE.

St. Petersburg, 28th August, 1813.

Dear Sir,—On our arrival at Gottenburg I wrote to Mr. Baring that we were thus far on our way to St. Petersburg, having been appointed with full powers to treat of peace with Great Britain under the mediation of Russia; and after informing him that we had a credit on him for the expenses of our mission, and asking information respecting the most eligible mode of drawing for them, I requested that the fact of our arrival might be made known to the British government. I had no other object than to prevent delays, and if that government was only waiting to know the determination of ours on the mediation, to enable them, if they were so disposed, to appoint immediately ministers on their part. This, however, has given rise to an important communication on the part of Mr. Baring, a copy of which, as well as of my answer, I now enclose. You will easily distinguish in his letter what belongs to him and what in fact is an indirect communication through him of the views and dispositions of his government. And this will assist you both in forming a correct opinion of the probable result of our mission and of the prospect of peace in any way, and in deciding whether any new powers or instructions are wanted and proper or not. The question which I think you will have to decide in case Great Britain should persist in her refusal of the mediation, and either through this government or otherwise a positive invitation should be made to open a direct negotiation, is whether this should be acceded to. I will not at this time add any conjectures or opinions of my own, not only because they might not be very useful, but also because having no cipher here but one which has been used for several years in England and elsewhere, it is highly probable that it is known; and I can communicate nothing but what may meet the eye of the enemy. I insure, indeed, greater safety to this communication by putting nothing in it but what the British government wishes you to see, and in point of fact I would have little to say which you might not infer from this and our joint despatch.

I need hardly add that neither Mr. Baring's nor my letter are intended for publication or even communication to Congress.

I remain, &c.

Private P.S. 15th October, 1813.

DEAR SIR,—From the date of the above letter, no intimation such as was suggested by Mr. Baring has reached us. Why, if there was no such intention, he was directed to give us that information, or why, if his government was sincere, the proposition has not been made, I cannot conjecture. Considering the distance and the ordinary course of the mail, an answer to the renewed offer of mediation through Count Lieven cannot be expected here before the 1st of November; and it may be delayed longer if the object of the British government be to gain time. If the mediation be either accepted or absolutely refused, our course will be plain. But if the answer be of the nature suggested by Mr. Baring, you will recollect that even if we were of opinion that a direct negotiation would succeed, in conformity with the views of the President, still, our powers are limited to treating under the mediation of Russia. It is for the President to decide what should be done in that case; and I will only observe that if from any consideration whatever he shall think proper to give contingent powers and instructions with a view to that state of things, they may reach us provided they be transmitted immediately. In all probability we will be detained here by the season till February, and if no further instructions shall reach us, and the mediation shall have been rejected, will sail in March from Gottenburg.

With great respect and regard.

THE AMERICAN COMMISSIONERS TO JAMES MONROE.

ST. PETERSBURG, $\frac{17\text{th}}{29\text{th}}$ August, 1813.

SIR,—We have the honor to inform you that Mr. Gallatin and Mr. Bayard arrived at St. Petersburg on the 21st ult., and on the 24th were presented by Mr. Adams to the Count

Romanzoff, Chancellor of the Empire, and delivered to him a copy of the letters of credence to Mr. Adams and themselves, and also of their powers to treat of commerce with Russia, and, under the mediation of his Imperial Majesty, of peace with Great Britain. We were informed that it would be necessary to transmit these papers to the Emperor at his headquarters, and we find that upon all occasions our official communications will be submitted to his Majesty. We have great cause to regret the absence of the Emperor from his capital (and amongst other reasons), as the distance from St. Petersburg to the Imperial headquarters necessarily subjects the operations of the mission to delay and embarrassment.

On the 30th of the month we addressed a note to the Chancellor—marked No. 1—officially communicating the acceptance on the part of the United States of the proffered mediation of his Imperial Majesty, stating our readiness, in pursuance of our powers under the mediation, to treat of peace with Great Britain, and requesting information as to the measures adopted by the Russian and British governments to give effect to the mediation.

On the first of August, Mr. Gallatin and Mr. Bayard, in an interview with the Chancellor, represented to him the strong impression of their government, in immediately accepting the mediation of the Emperor and sending to his Court a special mission, that Great Britain, influenced by a consideration of the relations subsisting between her and Russia, and of the personal respect due to his Imperial Majesty, would not hesitate in acceding to the mediation; that in this conviction no provision was made by their government for a different state of things; that their powers were confined to a Russian mediation, without which they could proceed to no negotiation; that it was extremely material for them to be informed as early as practicable of the intentions of the British government, especially in the case of its being definitely ascertained that Great Britain would not act under the mediation; in which event their government and their country would expect of them not to protract a public residence abroad from which no beneficial result could be derived. The Count, in reply, stated that he had been engaged

in preparing an answer to the official note which we had sent him, by which we should find that the British government, in a note addressed in the month of , 1812, to Count Lieven, the Russian minister at London, after noticing in a very civil manner the friendly intentions of his Imperial Majesty in offering the mediation, had intimated an opinion that the acceptance of it would be fruitless, on account of certain pretensions then advanced by the American government. The Chancellor added that for his own part he was not acquainted with the pretensions which were referred to, but that he wished information from us on the subject, and especially as to the nature and history of the dispute on the point of impressment. These were detailed in conversation, but he requested they might be put into writing, not in the shape of an official note, but of an informal memoir. He remarked that he had heard of an Act of the American Congress relative to the employment of foreign seamen, the nature of which he was desirous of understanding, and he was in consequence promised a copy of it. It was thought material in the course of this interview to put the question distinctly to the Count whether, from the terms or nature of the answer which Lord Castlereagh had given to the proposition of Russian mediation, it was his opinion that the British Cabinet designed that the Russian government should understand that the mediation could not be accepted. The Count replied that whatever the real intention might be, he did not consider that there was anything in the answer of the British government which ought to be deemed final, or to preclude the government of Russia from renewing the overture, even in a more formal manner than had yet been done; and that he had, on hearing of our arrival at Gottenburg, already written to the Emperor, whose orders he was waiting on the subject. He expressed his desire that we should remain at St. Petersburg until further advices were received from Count Lieven, and gave assurances at the same time that so soon as the Russian government should be persuaded that the determination was formed on the part of Great Britain not to admit of the mediation, no time should be lost in communicating the fact to the American ministers.

On the next day, the 2d of August, we received from the

Chancellor an official note bearing date the same day (21st July, O. S.), communicating in substance the answer of the British government to the offer of mediation made on the part of his Imperial Majesty. A copy of this note is marked No. 2.

The aspect of this answer did not favor the expectation that the mediation of Russia would be accepted, but, considering it as addressed to the Russian government, we thought it belonged more to that government than to ourselves to decide upon its interpretation, and upon the ulterior steps proper to be taken, with a view to a more distinct and unequivocal knowledge of the intentions of the British Cabinet.

On the same day we addressed a note to the Chancellor, proposing the negotiation of a commercial treaty between the United States and Russia. To this note we received an answer dated the 5th (24th July, O. S.). Copies of these notes are marked Nos. 3 and 4.

In an interview which Mr. Adams had with the Chancellor on the 10th instant, he informed Mr. Adams that he had just received despatches from the Emperor, in answer to those by which, previously to the arrival of Mr. Gallatin and Mr. Bayard, he had informed his Majesty of the acceptance of his mediation on the part of the United States, and of the appointment of their extraordinary mission; that he, the Chancellor, having suggested to the consideration of the Emperor the expediency of renewing on this occasion the proposal of his mediation to the British government, the Emperor had fully approved of the suggestion, and commanded him to carry it into effect according to his own idea. The Chancellor added that he should immediately prepare instructions to Count Lieven in conformity with his Majesty's commands, and that, from the authority now given him, he should feel himself justified in transmitting them directly to the ambassador without previously sending them to the Emperor.

In compliance with the desire which the Chancellor had expressed, to be distinctly and accurately informed by an informal memoir of the nature and history of the controversy between the United States and Great Britain on the point of impressment, an inofficial note was prepared on the subject, and transmitted on

the 14th. This note was accompanied by a printed copy of the Act of Congress of the 3d of March, 1813, relative to the employment of foreign seamen, and by copies of the other public documents to which the note refers. A copy of this memoir and translation of it are marked No. 5.

At a subsequent interview, on the 19th instant, Mr. Adams having intimated again to the Chancellor the earnest desire of Mr. Gallatin and Mr. Bayard not to be unnecessarily detained here without any prospect of ultimate success to the negotiation, the Chancellor again explicitly assured him that nothing had been received from the British government which could be considered as a refusal to accept the mediation; that, on the contrary, from the tenor of the memoir which we had transmitted to him, and the nature of the proposals which we were authorized to offer, as indicated in it, he had strong hopes not only that the British government would accept the mediation, but ultimately would be perfectly satisfied that the negotiation had taken this direction.

We are now officially informed that the despatches for Count Lieven will be sent off in the course of one or two days by a courier, and that a duplicate of them has already been transmitted to the Imperial headquarters.

If events should render it necessary for Messrs. Gallatin and Bayard to wait for the answer which the British Cabinet may give to the renewed overture of Count Lieven, they must incur the hazard of being detained in Russia during the winter, even in the case of failing in the object of their mission. But that object is deemed of so high importance that they would not feel themselves justified in abandoning the pursuit of it whilst the remotest prospect remained of its being attainable.

We have the honor to be, with great respect, sir, your most obedient servants.

P.S.—30th August. We are this moment honored with your despatch of 23d June last.

31st August. We enclose the copy, marked No. 6, of a note received this day from Count Romanzoff, and which covers the copy of a note to be presented by Count Lieven to Lord Cas-

tlereagh. We beg leave to observe that these papers are not intended for publication in America.

GALLATIN TO LEVETT HARRIS.

St. Pétersbourg, $\frac{1}{13}$ Septembre, 1813.

Mr. Gallatin prie Mr. Harris de témoigner en conversation à Monsieur le Comte de Romanzoff combien il est sensible (ainsi que Mr. Bayard) à la réception flatteuse dont Mr. le Comte les a honorés et aux marques de confiance qu'il a bien voulu leur donner. Cette confiance est parfaitement réciproque de leur part et est la cause du désir qu'a Mr. Gallatin que Mr. Harris prenne l'occasion de communiquer à Mr. le Comte l'inquiétude que leur cause le temps qui s'est écoulé sans qu'ils aient été accrédités auprès de l'Empereur. Il y a six semaines qu'ils sont arrivés et 38 jours depuis qu'ils ont eu l'honneur de présenter à Mr. le Comte copies de leur lettre de créance et pleins pouvoirs. Mr. Gallatin sent parfaitement que les intérêts majeurs qui occupent Sa Majesté Impériale ne lui ont pas permis de donner son attention à un objet secondaire; et les ordres qu'Elle a donnés dès avant leur arrivée à St. Pétersbourg, pour qu'on renouvellât auprès de l'Angleterre l'offre de sa médiation, ainsi que la communication que Mr. le Comte avait faite à Mr. Adams à l'égard de la réception personnelle de la mission, sont des preuves convaincantes des dispositions de Sa Majesté et de l'intérêt qu'Elle continue de prendre à l'Amérique.

Le gouvernement des Etats-Unis s'étant reposé entièrement sur l'effet de la médiation de Sa Majesté et n'ayant pris aucune autre mesure pour préparer les voies au rétablissement de la paix, il est très-important pour le succès de la mission que l'interposition de Sa Majesté ait tout le poids possible et à cet effet que l'intérêt qu'Elle prend à cette affaire et la manière favorable dont Elle envisage la démarche de l'Amérique et l'envoi d'une mission extraordinaire, soient bien compris par l'Angleterre et publiquement connus. C'est principalement sous ce point de vue qu'il importe à MM. Gallatin et Bayard d'être accrédités en plein au

même moment que l'offre de la médiation se renouvelle, et qu'on ne puisse pas supposer qu'on hésite à cet égard, ou que la mission est regardée comme trop peu importante pour qu'on s'en occupe.

Mr. Harris pourra aussi observer que si le Lord Walpole arrivant ici du quartier-général, où il aura présenté sa lettre de créance, se trouve sur-le-champ, comme on doit naturellement s'y attendre, accrédité en plein à St. Pétersbourg et présenté dans les formes comme ministre de l'Angleterre, tandis que les ministres américains, arrivés deux mois auparavant, continueraient dans une situation officielle équivoque, cette circonstance aurait un mauvais effet et serait très-mortifiante pour eux et pour leur gouvernement.

Enfin il pourrait arriver dans le cas non impossible où l'Angleterre rejetterait l'offre de la médiation, que Messrs. Gallatin et Bayard seraient obligés de partir sans avoir été accrédités en plein et présentés comme ministres, ou ne le seraient qu'au moment de leur départ; ce qui ajouterait un nouveau désagrément au regret et inconvéniens d'une mission infructueuse.

Mr. Harris aura soin de faire comprendre à Mr. le Comte, que Mr. Gallatin n'a personnellement aucune prétension, comme individu n'a le droit de rien réclamer, et qu'au contraire il serait très-satisfait s'il pouvait remplir ses fonctions sans la moindre représentation; mais qu'il a extrêmement à cœur de remplir les vues du Président et l'attente de son gouvernement, dont le principal motif en envoyant un de leurs membres (en opposition à leur usage ordinaire) a été l'espérance que cette démarche aiderait à reserrer les liens et à fortifier la bonne intelligence entre les deux gouvernements. M. Gallatin est fermement persuadé que *la Russie est la seule puissance vraiment amie de l'Amérique* et il regretterait extrêmement qu'aucune circonstance accidentelle liée avec sa mission causât la moindre mortification à son gouvernement, ou tendit à produire quelqu' impression contraire à celles qui existent déjà à un haut degré en Amérique. Le gouvernement est de la même opinion que M. Gallatin à l'égard de la Russie et particulièrement quant aux dispositions personnelles de Sa Majesté Impériale; et l'opinion publique quoique plus lentement suit la même marche.

M. le Comte de Romanzoff peut-il faire quelque chose de plus que ce qu'il a fait pour hâter la réception officielle de MM. Gallatin et Bayard? Ou peuvent-ils eux-mêmes faire, avec l'avis de M. le Comte, quelque démarche à cet égard? Ce sont les points sur lesquels M. Harris tâchera d'obtenir quelques lumières; et M. Gallatin se fie à sa discrétion et au tact qu'il lui connaît pour qu'il le fasse avec toute la délicatesse que l'occasion requiert et tout le respect qui est dû au caractère de M. le Comte, à son amitié pour l'Amérique et à la manière dont, personnellement, il a traité et reçu ses ministres.

Mr. Gallatin ne veut pas oublier de dire à Mr. Harris que la raison pour laquelle il le charge de cette mission, de préférence à Mr. Adams, est afin de lui ôter tout caractère officiel.

GALLATIN TO GENERAL MOREAU.

St. Pétersbourg, 2e Septembre, 1813.

Mon cher Général,—J'avais déjà appris avec plaisir votre heureuse traversée, et vous m'en avez fait un très-vif en me montrant par votre lettre (du 21 août) que même à l'armée vous vous souveniez de nous et preniez quelqu' intérêt à notre mission et à moi-même.

Quelque difficiles que puissent être les circonstances où vous vous trouverez, je connais toute la pureté de vos motifs, et je suis bien sûr que tant au moral qu'au militaire vous soutiendrez toujours le caractère du Général Moreau. C'est à l'ambition désordonnée de Bonaparte et à l'insatiable cupidité de l'Angleterre que l'on doit attribuer les maux qui désolent l'Europe, dont l'Amérique a ressenti le contrecoup, et que les traités de Lunéville et d'Amiens auraient dû prevenir si le monde était gouverné par des Alexandres et des Washingtons; ce qui malheureusement n'arrive que rarement et partiellement. La France et l'Angleterre, en se faisant une guerre qu'on dirait à toute outrance, en ont cependant fait tomber les plus grands fléaux sur les autres nations. Elles seules y ont gagné sinon le bonheur, au moins la puissance. L'une avait usurpé et opprimait la terre;

l'autre a conquis et tyrannisé la mer. La Russie a enfin brisé le charme dont s'était entouré Bonaparte; et il sera possible de le resserrer dans les limites naturelles du pays qu'il gouverne, quoique je sois porté à croire qu'aucun changement ne peut et ne doit s'opérer en France que par la France. Mais c'est la paix seule qui peut faire renaître le commerce de toutes les nations, recréer des marines et rétablir l'équilibre et la liberté sur l'océan.

Je digresse au lieu de vous parler de l'Amérique, dont je voulais vous entretenir. Car sachant l'intérêt que vous y prenez, et croyant que vous pouvez dans ce moment lui être très-utile, je profite sur-le-champ de l'offre de services que vous me faites.

En attendant une pacification générale, la paix de l'Amérique est utile aux autres et nécessaire à elle-même. Sa guerre avec l'Angleterre fait quelque mal à tous et de bien à personne excepté Bonaparte, en faveur de qui elle opère une sorte de diversion. Sa Majesté Impériale a vu dès son origine que cette guerre nuisait au commerce de la Russie et donnait une mauvaise direction à une certaine partie des forces britanniques. Et ce motif joint à ses sentimens d'humanité et à sa bienveillance pour l'Amérique l'ont engagé à offrir sa médiation aux deux puissances. Nous l'avons accepté sans hésiter. Et tant pour éviter les délais qu'aurait produits la distance qui sépare l'Amérique du théatre des négociations, que pour répondre d'une manière convenable à l'offre de l'Empereur, le Président a sur-le-champ expédié une mission extraordinaire sans attendre de savoir si l'Angleterre avait accepté la médiation. L'on m'a mis du nombre, en partie peut-être parceque d'après les vues modérées qu'on me connaissait, l'on m'a cru propre à cette négociation, mais surtout vu la place que j'occupais dans la nation et auprès du Président, pour donner à l'Empereur un léger témoignage de la sensibilité qu'avait excité sa conduite amicale pour les États-Unis et son dernier procédé. Nous n'avions point cependant supposé que l'Angleterre, lorsque nous acceptions, pût refuser la médiation de S. M. I., d'une puissance avec laquelle elle avait une liaison politique très-intime, qui était son allié contre un ennemi commun et dans une guerre bien autrement importante

pour toutes les deux que les affaires de l'Amérique. Nous avons été déçus à cet égard. L'Angleterre repousse la médiation. Est-ce par orgeuil? Est-ce par méfiance de la Russie? Est-ce parceque la suspension momentanée de notre commerce lui donne le monopole de celui du monde entier? Je l'ignore; mais quant à son prétexte de droits maritimes et aux autres raisons qu'elle allègue, c'est comme si Napoléon parlait de ses droits sur la terre, et comme lorsqu'il tâche de persuader à chaque puissance séparément qu'elles sont toutes isolées et que nulle d'elles ne peut avoir aucun intérêt dans ses démêlés avec les autres. D'ailleurs l'Empereur avait offert sa médiation comme ami commun et non pas comme arbitre de nos différends (car sa décision comme arbitre aurait bien convenu à l'Amérique mais non à l'Angleterre). Il proposait ses bons offices pour nous rapprocher, et que nous puissions sous ses auspices négocier sans aigreur et avec espoir de succès. Je puis ajouter que pour le présent nous ne désirons point discuter ces droits prétendus et ne demanderons point à l'Angleterre qu'elle les abandonne. Tout ce que nous voulons est un arrangement qui réservant aux deux nations leurs droits abstraits respectifs, substitue à la presse un moyen qui n'outrage pas notre pavillon, qui donne sécurité à nos matelots, et qui cependant exclue d'une manière efficace les marins Anglais de notre service.

Mais quelques soient les motifs de l'Angleterre, l'Amérique a essentiellement besoin de la paix. Jusques à ce que ses institutions et son gouvernement fédéral soient mieux consolidés, que sa population soit plus concentrée, ses ressources plus mûries, ses revenus mieux assurés, jusqu'à ce qu'elle ait par degrés jetté les fondemens d'un pouvoir un peu militaire et surtout maritime, l'Amérique ne peut probablement faire avec succès aucune guerre dans laquelle elle ne serait pas envahie, ou qui par quelqu'autre circonstance ne sera pas parfaitement nationale. Vous avez bien observé que la guerre actuelle ne l'est pas, et telle est la situation du pays et des différens partis qui l'agitent, que je vous avouerai que je crains fort que si notre mission est infructueuse, les États-Unis, après avoir continué pendant quelques années de plus une guerre sans avantage, ne fassent à la fin par fatigue une paix défavorable et à laquelle cependant l'Angleterre gagne-

rait de fait moins qu'en la faisant à présent, aux conditions extrêmement modérées que nous sommes disposés et autorisés d'accepter. Car une mauvaise paix n'est jamais qu'une trêve, et tant que l'affaire de la presse ne sera pas arrangée d'une manière qui concilie les intérêts des deux pays, la guerre sera toujours prête à recommencer dès qu'on sera en état de la faire.

Nous avons donc un grand intérêt à ce que la médiation de l'Empereur puisse, malgré les premières objections de l'Angleterre, être enfin acceptée; et c'est à ce sujet particulièrement que je veux révoquer vos bons offices. Nous avons toutes les raisons possibles de nous louer du Comte de Romanzoff, qui à la réception personnelle qu'il nous a faite, a joint une entière loyauté dans tous ses procédés et le plus grand zèle pour tâcher de vaincre les difficultés et de donner effet aux vues de S. M. Cependant comme c'est l'Empereur qui doit en dernier ressort décider de tout par lui-même, que vous avez l'avantage dont nous sommes privés de vous trouver auprès de sa personne, qu'au milieu de ses grandes occupations nous ne pouvons être qu'un objet secondaire de son attention, que vous connaissez bien l'Amérique et lui êtes attaché, je crois qu'il serait utile à l'objet de notre mission, et je vous prie de prendre quelqu'occasion de rappeler les États-Unis au souvenir de S. M. et de lui communiquer combien nous avons compté sur l'effet de sa médiation et de ses bons offices pour nous rendre la paix. De fait je ne crois pas que nous puissions, du moins à présent, l'obtenir autrement: nos pouvoirs sont limités à traiter de la paix *sous la médiation de la Russie;* et ce ne sera qu'avec le plus grand regret que je perdrai toute espérance de ce côté. Je suis fermement persuadé que dans les circonstances actuelles *la Russie est la seule puissance vraiment amie de l'Amérique.* Et je puis vous assurer que l'Empereur Alexandre est le seul souverain en qui nous puissions avoir confiance et que nous l'avons entièrement. Vous ignorez peut-être qu'indépendamment de toute considération politique et même du respect dû à ses qualités personnelles si rares dans un monarque absolu, il a par une série non discontinuée de bons offices depuis son avènement au trône jusqu'à sa dernière démarche à notre égard, acquis des droits particuliers à la reconnaissance du gouvernement et du peuple américain.

Vous sentez bien que nous ne sommes ni assez stupides ni assez injustes pour nous attendre ou pour souhaiter que Sa Majesté presse son offre auprès de l'Angleterre au delà des convenances, ou qu'elle permette que l'intérêt qu'elle prend à notre pacification porte le moindre préjudice aux importantes liaisons politiques qu'elle a avec l'Angleterre. Mais d'un autre côté l'Angleterre elle-même a des motifs assez urgents pour ne pas désirer déplaire à l'Empereur sur un point où elle sera bien persuadée qu'il met un intérêt personnel. Et il est possible qu'on puisse trouver quelque moyen de le lui faire sentir, ainsi que quelque milieu qui puisse se concilier avec ses objections ou les écarter.

Nous vous aurions et je vous aurais particulièrement beaucoup d'obligation si vous pouviez représenter le sujet sous ce point de vue à S. M. I. et me donner ensuite votre opinion particulièrement sur les points suivants. Est-il probable que l'Empereur trouve convenable d'ajouter quelque chose à l'offre officielle de sa médiation qui vient d'être renouvelée? Y a-t-il quelqu' espoir que l'Angleterre à la fin consente de quelque manière, soit sur-le-champ, soit dans le cours de quelques mois? Convient-il que nous attendions au risque d'être retenus en Europe tout l'hiver? Ayant déjà sacrifié au besoin que mon pays a de la paix et à l'espoir d'y pouvoir contribuer, ma place et je crois mon existence politique, je prolongerai mon séjour si cela peut être utile. Rester sans espoir de rien faire serait mortifiant tant pour mon gouvernement que pour moi; et je désire rejoindre ma famille aussi promptement que possible. Je désire cependant encore plus que notre mission, lors même qu'elle manquerait son objet principal, puisse contribuer à resserrer les liens qui unissent déjà les deux pays, et qu'elle ne laisse des deux côtés que des impressions agréables et mutuellement favorables à leurs relations amicales. Cette considération aura une influence décidée sur toute ma conduite, sans en excepter l'époque de mon départ.

Vous voyez que vous vous êtes attiré une bien longue lettre, et je me reprocherais de dérober une heure aux objets qui vous occupent si je ne savais le plaisir qu'une âme comme la vôtre sentira en trouvant l'occasion de pouvoir être utile au pays que vous aviez choisi pour asile. Je vous ai écrit sur certains objets avec

tant de franchise que je dois vous prier qu'à l'exception de ce que vous jugerez convenable de communiquer à S. M. I., le contenu de cette lettre ne soit connu de personne. Acceptez l'assurance du respect que je porte à vos talens et à vos vertus, et croyez-moi avec la considération la plus distinguée, mon cher général, votre très-humble et très-obéissant serviteur.

La navigation de la Baltique est si dangereuse après le 1er Octobre que vous ajouterez à l'obligation que je vous aurai en me donnant les renseignements que je vous demande aussitôt que cela vous sera possible.

W. H. CRAWFORD TO GALLATIN.

PARIS, September 22, 1818.

DEAR SIR,—Within a few days past I have received a letter from General La Fayette, addressed to you respecting his lands in Louisiana. Mr. Parish has informed him that the patents have been sent out by the Neptune. He states that he received his information from the President. The general is particularly anxious to get the patents for two thousand acres in the neighborhood of New Orleans. I understand he has made a very advantageous sale of this land, and that unless he procures the patents by the end of the year the contract will become void. He has applied to me to certify that the patents have issued, under an expectation that such a certificate would be satisfactory to the purchaser. My knowledge of the fact is too vague to admit of my giving such a certificate. If you have the patents in your possession, they may be sent with perfect safety from Copenhagen.

If they have been issued but not sent, I will thank you to state that fact, and particularly everything which relates to the two thousand acres upon the island of Orleans, as I am solicitous to render him service in this matter.

My situation here has undergone no change since the date of my letter to Mr. Adams, which I presume he communicated to

you. I have received no answer to the communications referred to in that letter. The operations of the war will, no doubt, postpone my public reception until the winter. Before that time I cannot expect to make any considerable progress in the discussion of the claim for indemnity, if indeed I ever do. I presume you have received as late information from the United States as I have. Our frigate on the lake was ready for service on the 20th of July. Theirs had been upon the lake at least six weeks before, and had put an entire stop to our military operations. Indeed, there seems to be so little talent for command in our armies, that it requires no insurmountable obstacle to stop their advances. It is astonishing that they should suffer themselves to be surprised by an enemy who is flying before them. The capture of Chandler and Winder, on the 6th of June, is an astonishing event. Within twelve miles of the enemy's camp they are surprised in the night and taken prisoners, although the enemy is repulsed. Since that event they have remained in and about Fort George, acting on the defensive. The last news from the Western country states that the British and Indians have again besieged Fort Meigs in the absence of Harrison. This man's talents must have been greatly overrated. He flatters the Kentuckians, and they tell the government he ought to be made a major-general, and he is made one. His official communications, stating the operations of the siege of Fort Meigs during the first days of May, are the most vague and puerile productions which I have ever seen. Nothing was done during that siege which merited approbation, and yet he praises every man and everything that was done. If Leonidas could rise from the dead and bestow the just meed of praise upon his immortal band of heroes, it would not exceed that which Harrison has bestowed upon his officers and men in his orders of the day and in his official reports to the War Department. There is, moreover, a total want of perspicuity in all these reports. His great desire to release the Kentucky prisoners, amounting to more than five hundred, induced him to consent to a general exchange of prisoners, although the number in his possession exceeded that of the Americans in the hands of the enemy. From an examination of his daily reports of the siege, it does

not appear that he had made one hundred prisoners. How, then, could he have more prisoners than the enemy?

We shall never be successful while our troops are commanded by such men. For God's sake, when you return, endeavor to rid the army of old women and blockheads, at least on the general staff.

If I knew you had the means of deciphering a letter written in cipher, I would present you with a full view of the prospect there is of bringing the negotiation with this government to a conclusion; but, as I am ignorant of this fact, I shall conclude this letter by wishing you and your colleagues a successful issue to your ministerial labors, and a safe and speedy return to your country and friends. With sentiments of the highest regard, I am, sir, yours, &c.

GALLATIN TO COUNT ROMANZOFF.

St. Pétersbourg, 1 Octobre, 1818.

Monsieur le Comte,—Le Major George M. Dallas qui m'avait accompagné en qualité de secrétaire, désirant passer quelques mois en Angleterre, j'ai cru devoir lui permettre de partir sur-le-champ, parceque nous sommes assez nombreux ici et qu'il nous sera plus utile à Londres, surtout afin de faire passer des avis à notre gouvernement. Si, par exemple, le ministère britannique persistait dans son refus d'accepter l'offre de médiation, et que cependant l'interposition de Sa Majesté Impériale l'engageat à proposer de bonne foi une négociation directe avec l'Amérique, il serait nécessaire d'obtenir de nouveaux pouvoirs du Président des États-Unis. Et l'on gagnerait près de deux mois en lui écrivant en droiture de Londres, au lieu de transmettre l'information à St. Pétersbourg et d'ici en Amérique. Sous ce point de vue je prends la liberté de demander à votre Excellence si elle jugerait dans les convenances de donner à M. Dallas quelques lignes pour l'introduire à M. le Comte de Lieven. Je puis répondre de sa discrétion et de sa fidélité.

Comme il compte aller par terre à Gottenbourg et qu'il sera porteur de nos dépêches, je prie votre Excellence de vouloir

bien lui faire donner une passe de courier qui l'autorise aussi à prendre un domestique avec lui et à partir cette semaine.

Je vous prie, M. le Comte, d'agréer l'assurance de ma sensibilité pour toutes vos bontés, ainsi que celle de la considération très-distinguée avec laquelle, etc.

ALEXANDER BARING TO GALLATIN.

LONDON, October 12, 1818.

DEAR SIR,—The letter you favored me with of the $\frac{15\text{th}}{27\text{th}}$ August reached me in course of post, and if I have delayed my reply it has not been, I can assure you, from any neglect of the important subject of its contents. I have been endeavoring to be useful in an object which I have very much at heart. At this season of the year those with whom I wished to confer are generally out of town, and correspondence became necessary. In communicating to you the result of my endeavors I am sorry to say that they have been less successful than I could hope or than I had at one time expected; at the same time, however, I feel the more convinced that the existing difficulties are more difficulties of form than of substance, and I very much misunderstand the disposition on both sides if an agreement were not the result of negotiation, if that negotiation could but once be set on foot. In what I communicate I beg leave again to assure you that you may rely upon my not misleading you, and, without troubling you much with the arguments that are used, I shall confine myself principally to the results, and that the rather as little time is left me before the departure of the post, and I wish that no time may be lost. We are here resolved to abide by the principle of direct negotiation. I had hoped that an agreement might have been so far advanced and ascertained that the mediation would have been a mere matter of form, and in that case it might have been adopted for the purpose of keeping your powers alive, and although I could of course attain to nothing like certainty as to this proba-

bility of agreement, I am still inclined to infer it from the general expression of your letter and from what I have collected here. But it has been resolved here not to depart from the first resolution of entering only into a direct negotiation, and it is thought that, upon the whole, time will at last be saved by this mode, even though it should oblige you to have recourse to America for an alteration of your powers. The arguments used by you in favor of a Russian mediation are very ingenious, and no inference of insincerity is drawn from America's adopting this mode, but there are circumstances connected with the nature of the question which make it ineligible, when in any common political dissension it might be the most rational and satisfactory course to pursue. But whatever may be the weight of argument on either side, you may be assured that the determination is here irrevocable, and before this reaches you it must have been communicated to you in some authentic shape. As at the same time a readiness for direct negotiation will be declared, this must save entirely any feelings of pride that America may entertain, as the advance for direct negotiation comes from hence in return for a step on her part of much less concession. What you will think proper to do in this case—whether to wait for new powers, to return yourselves, or to come here in the expectation of those powers being sent—will remain with you to determine; perhaps, indeed, you have determined before this reaches you, as the Baltic will probably be closed for navigation by the end of this month. The omission of Mr. Adams's name in the passport was quite accidental, and must have been my fault. I have no recollection of the circumstance, but I probably concluded at the time that as he was the resident minister at St. Petersburg he would not return. I trust, however, that he will not have hesitated to accompany you on account of this omission, which he may be assured will be of no consequence, and that the vessel, with any person belonging to the mission, will be suffered freely to pass our fleets.

On the subject of the probability of an agreement between the two governments I am sensible that you must necessarily write with reserve; but, as I am under no such restraint, I will state to you fairly what you may expect here, and I do it because

this may influence your determination on other points, and because I always think that between states, as between individuals, where the intentions are honest, plain language is always preferable to artifice. We wish for peace. The pressure of the war upon our commerce and manufactures is over; they have ample relief in other quarters; and, indeed, the dependence of the two countries on each other was, as it usually is, overrated. But the war has no object; it is expensive, and we want to carry our efforts elsewhere. Our desire of peace, therefore, cannot be doubted, and you may quite rely upon it. With respect to the only question really at issue, we are disposed to concert with you the most efficient means of confining the seamen of each country to their respective services; but we do not believe in the practicability of so doing without a reservation of a right of search for them, or rather without a continuation of the practice, for we do not want from you a recognition of right. This practice we are ready to regulate in any manner consistent with its object, and I feel an entire conviction that it may be regulated in a manner to do away almost everything that is objectionable in it. On this point you will find us reasonable and liberal, but very firm upon the question of not giving up the practice of examination and search, and indeed with every desire not only to see peace restored, but to see satisfaction given to America upon this point,—which I always thought she had a right to,—I cannot see how we can, under our present system of manning our navy, do more. All the Acts of Congress or Acts of Parliament that can be framed would be ineffectual without this, and I am sure that when you came to the details you would be of the same opinion; and it is for this reason that I infer from the cautious wording of your letter that you would not be disinclined to an arrangement upon this principle, where every precaution would be taken, and taken, I think, effectually, to remove everything that is vexatious in the present practice, and to subject it to the responsibility towards both governments, under which alone it can be made consistent with a state of peace. I shall not trouble you with any detailed examination of this point; the general principles of our government you would find as I have stated, and if they are not repugnant to

your instructions I think you would soon complete the work of peace without the help or hindrance of any mediator.

I have not yet had a good opportunity for America to send your letters for Mrs. Gallatin; they are now here, but a cartel is expected to sail in a few days, and they shall be taken care of. We have not hitherto received any for you. I beg you will believe me at all times happy to be useful, and with great esteem and regard, dear sir, your sincerely devoted servant.

THE AMERICAN COMMISSIONERS TO MONROE.

October $\frac{8}{15}$, 1813.

Sir,—We have the honor to inform you that on the 10th inst. we received a letter from the Count Romanzoff, a copy of which accompanies this despatch, by which we were informed that his Majesty the Emperor had authorized in his absence the Count to receive our letter of credence. The Count in consequence having appointed a time for our reception, we attended accordingly and delivered our letters.

The delay in the negotiation of our diplomatic capacity has been of no importance, as the Court of Great Britain has appointed no person to meet us, nor has as yet intimated an intention of making such appointment.

We are now waiting for the answer of the British Cabinet to the renewed overture of the mediation of this government. We have reason to expect it shortly, and if in this expectation we should be disappointed, it will be owing to the course pursued by the British government. In the event of the refusal of Great Britain to open a negotiation for a treaty of peace if no further instructions should be received, Messrs. Gallatin and Bayard will feel it their duty to return to the United States as soon as it may be practicable from the state of the season.

If the views of our government should induce them, after the receipt of this despatch, to transmit to us further instructions, we would suggest the propriety of addressing them to the care

of our consul at Gottenburg, Mr. , where they would meet Messrs. Gallatin and Bayard should they be detained over the winter.

The best information we can obtain does not allow us to suppose that the navigation from Cronstadt will remain open longer than the commencement of the ensuing month, and being informed also that it will not again open before the middle of May, we have deemed it advisable to order the ship Neptune to Gottenburg, where the navigation is generally open at all seasons, and to which place a journey may be made without great suffering or hazard during the winter. The view in this arrangement is to avoid protracting the duration of the mission longer than hopes are entertained that its object can be accomplished.

We have the honor to be, with great respect, sir, your most obedient servants.

GALLATIN TO ALEXANDER BARING.

St. Petersburg, 18th October, 1813.

Dear Sir,—This letter will be delivered to you by Mr. G. M. Dallas, who had accompanied me as private secretary, and who is desirous of spending a few months in England before his return to America, provided his stay is permitted by your government. He has no public character, and should be considered only as a young gentleman of merit. As such I beg leave to recommend him to your kind attentions. . . .

I have nothing to add to my letter of August, written in answer to yours of 22d July. Not a single word has since that time reached me from England, either directly or through the medium of the Russian government. No such proposition as was suggested in your letter has been made or hinted in any shape. If the determination of your government had been such as you stated, it would have been advantageous to receive it early in an official shape, as although it would have prevented a negotiation with this mission, yet we would have lost no time in transmitting the proposition to our government; whilst on the other hand the delay has prevented our return

to America, and if there was a prospect of peace there will have been an useless continuance of the reciprocal injuries of war. We are now probably chained here for the winter, and this, I think, affords an additional motive in favor of the acceptance of the mediation on the part of your government.

I remain, with great regard and respect, &c.

GALLATIN TO G. M. DALLAS.

St. Petersburg, 18th October, 1813.

Dear Sir,—I cannot recommend to you too much discretion and caution during your stay in England. Whatever you may know or conjecture of our intentions or opinions, or of those of our government, you must nevertheless appear altogether ignorant of. The only thing you can with propriety say on the subject is that there is the most sincere wish on the part of our government to make peace, and the most cordial, nay, anxious disposition of ours individually to effect that object, but that our powers are simply to treat of peace with England under the mediation of Russia. To any question respecting a transfer of negotiation, either with or without mediation, to London or any other place, your answer must be that you can form no opinion.

In the mean while you may listen to everything which may be communicated to you as coming from the British government through either the Russian ambassador, Mr. Baring, or any other channel in which full confidence may be placed. And you will lose no time in transmitting such information to us, and also to our government, if you think it of such nature that they should be promptly acquainted with it. But you must not communicate to the Secretary of State any vague rumors, nor any information indeed which is not important and in the truth of which you do not place perfect reliance. Communications of that sort are but too often made, and never fail to mislead government and to injure the person who makes them. I will also add that, as you will be in England on sufferance, you must not seek for

such information, but only receive it as it may be given to you. The only exceptions are Count Lieven and Mr. Baring. To the last you may say that you will be happy in communicating to me whatever he may think useful towards promoting the restoration of peace. To the Count you may mention that if there be, in his opinion, any information of which it should be important that our government should be immediately informed, I have authorized you to receive it and transmit it accordingly.

There is, however, but one point of real importance that I can anticipate which would render a communication to our government from you necessary. If it be the final determination of the British government to reject the mediation, and they be at the same time disposed to open a direct negotiation, our government cannot be too soon apprised of it, in order to enable them immediately to act upon the subject as they may think proper. But I must repeat that you must not encourage that prospect or give any opinion of the probability of its being accepted in America.

GALLATIN TO COUNT ROMANZOFF.

M. Gallatin a l'honneur de communiquer à son Excellence Monsieur le Comte de Romanzoff qu'il paraît par une gazette américaine du 3me août dernier, que le Sénat des États-Unis, ayant émis une opinion que les deux places de Secrétaire de la Trésorerie et de ministre employé dans une mission diplomatique ne devraient pas être unies dans la même personne, et le Président n'ayant pas cependant jugé convenable de remplacer dans le moment M. Gallatin dans le Département des Finances, le Sénat a refusé son consentement au choix que le Président avait fait de lui comme envoyé extraordinaire et ministre plénipotentiaire. Le caractère de la gazette et les détails qu'elle donne ne laissant aucun doute sur l'authenticité de cette nouvelle, M. Gallatin désire pouvoir cesser d'exercer des fonctions qui ne lui appartiennent plus; ce qui ne peut d'ailleurs produire aucun inconvénient, puisque Messieurs Adams et Bayard d'après les pouvoirs donnés dans l'origine à la mission resteront munis

d'une autorité aussi entière à tous égards sans lui qu'avec lui. Mais aucun des membres de la mission n'ayant reçu de lettres d'Amérique d'une date subséquente au refus du Sénat, et M. Gallatin n'ayant en conséquence ni lettres de rappel ni aucun avis de son gouvernement qui le mette en état de faire une communication officielle à cet égard au Chancelier de l'Empire, il prie M. le Comte de Romanzoff d'ajouter au civilités dont il a bien voulu l'honorer, celle de lui accorder quelques moments de conversation inofficielle sur la manière dont il convient qu'il demande ses passeports et prenne congé. M. Gallatin renouvelle à M. le Comte de Romanzoff l'assurance sincère de sa considération la plus distinguée.

St. Pétersbourg, Novembre 1, 1813.

GALLATIN TO MONROE.

Private.

St. Petersburg, 21st November, 1813.

Dear Sir,—I received a few days ago a letter from Mr. Baring, copy of which is enclosed, and which, if considered as coming from the British government, sufficiently explains its views. We have no letter from you of a date subsequent to the despatch of 23d June. But I have seen by the newspapers the rejection of my nomination, and will depart the moment the snow will render the roads practicable. I may take England in my way, and try at least to bring you such information on the practicability of an arrangement as may be relied on. The prospect, as you will perceive, is not flattering. If the final answer of the Emperor respecting the mediation comes within a reasonable time, Mr. Bayard and myself will remain together, and we will under every circumstance act in perfect concert.

With great respect and regard, dear sir, your obedient servant.

ALEXANDER BARING TO GALLATIN.

LONDON, December 14, 1813.

DEAR SIR,—The letter with which you favored me by Mr. Dallas found me in the country, from whence I am just returned, and have had the pleasure of making that gentleman's acquaintance. I beg you will be assured that I shall be disposed to pay him every possible attention, and your instructions respecting money shall be punctually attended to.

No person can more sincerely regret than I do the fruitless issue of a mission from which much was very properly expected, but there is for the present no remedy: the line which has been adopted will now be followed, and we must only hope that the sort of misunderstanding which has taken place will retard but for a short time the restoration of peace, about which I am confidently of opinion there continue to exist no difficulties that are insurmountable nor even very serious. It is ridiculous enough that mere forms should stand in the way of an event so desirable, but there are few material obstacles, and perhaps the former even might have been got the better of if the extraordinary events in European politics had not for the last few months almost made us lose sight of more distant objects. Not that I believe the disposition for peace with America at all diminished. The pressure of the war is diminished by the altered state of our commerce, now abundantly prosperous, and also by the political effect of the non-existence of French maritime commerce, for it is a singular result of late events that the project for the destruction of our commerce ends in the destruction of that of France to a degree which, under present circumstances, produces through the finances of France political and military consequences. But I am sure that our government will be found equally ready to put an end to the war as soon as it can be done consistently with the principles they have laid down of preferring a direct to a mediatorial negotiation. I was surprised at your information that no communication had been made to you on the subject of the refusal of the mediation, and I find on inquiry that Lord Cathcart's note on this subject to the Russian government was

of the 25th of September; why it should not have reached you earlier I cannot comprehend. It may interest you to know that this declaration of Lord Cathcart was on the 5th October communicated directly by my Lord Castlereagh to Mr. Monroe in America, so that it is possible that instructions may now be on the way from America to the commission in consequence. Mr. Monroe was at the same time informed that our admiral on the American station was instructed to give every facility to the passage to Europe of any persons your government might send, either for the purpose of negotiating or for the conveyance of despatches, and I trust and hope, therefore, that it will not be long before we have some serious demonstration of a pacific nature. In talking to Mr. Dallas, he seemed to think it not improbable that you might return to America during the winter; I have no authority for saying anything on the subject, because I have made no communication concerning it, having only seen Mr. Dallas within the last hour, but I can safely assure you that every attention and accommodation would be afforded to your passage through this country, and I should even entertain great hope of good effects from such a passing visit, which might smooth many difficulties which a more formal treatment might find less manageable. In every event I beg you will command my services, and believe me truly, dear sir, your sincerely obedient servant.

GALLATIN TO MONROE.

Private.

St. Petersburg, 7th January, 1814.

Dear Sir,—I might from the state of the roads have departed three weeks ago, but postponed my departure from a hope that a decisive answer might be received from the Emperor's headquarters, which would enable Mr. Bayard to go at the same time. No answer is yet received. What is the cause of the delay it would be idle to conjecture. But I have fixed the 21st instant (New Style) for the day on which I will leave this city for Amsterdam, whence, according to circumstances, I will embark for America or take England in my way. I have several reasons

for preferring going through Holland rather than by the way of Sweden; the principal of which is that I will be able to judge whether it is proper and useful to touch in England. Yet this may ultimately be a matter of necessity and not of choice, since, if Mr. Bayard and, of course, our ship are detained in Europe, I have no other means of returning but by a cartel from a British port in the United States. I have the honor to be, with great respect and consideration, your obedient servant.

GALLATIN TO ALEXANDER BARING.

St. Petersburg, 7th January, 1814.

Dear Sir,—It is my intention to leave this city on the 20th instant, and to proceed by land to Amsterdam, whence I may touch in England on my way to the United States, if, upon due consideration, that step should appear proper and advisable. On that subject I would wish to have your opinion in a letter directed to the care of the houses of Vilhen & Jan Willink and N. J. & R. Van Staphorst, bankers of the United States at Amsterdam. I hope that Mr. Bayard will leave Russia at the same time and that we will travel together, although he is still waiting for an answer from this government whether the offer of mediation has been accepted or rejected by the British government. For we have not to this day received any official communication on that point, nor has the proposition of a direct negotiation reached us.

This letter will be delivered by Mr. John P. Todd, Mrs. Madison's son, who had accompanied us and intends to return with us. I beg leave to recommend him to your kind attentions. . . .

GEORGE M. DALLAS TO GALLATIN.

London, January 11, 1814.

Dear Sir,—Reports have been so incessant relative to your departure from St. Petersburg that I have not deemed it neces-

sary or safe to address you at that place. The last and most certain information I received was through Mr. Beasley, who showed me an extract from a letter of Mr. Adams, intimating that you were on the eve of quitting Russia, having finally heard from Lord Cathcart the determination of the British Cabinet on the question of mediation, and that you would probably travel to the south in order to avoid the Baltic. I have concluded your design was to consume the winter on the road, and to reach Gottenburg early in the spring. Fearful, however, of being mistaken, and anxious to communicate the little of importance that has occurred since my arrival here, I hasten to intrust one more letter to the care of Mr. Hale, to insure its meeting you before you sail for America.

It was not until the 13th of December that I received any notice from his Excellency Count Lieven, and on the 14th, according to his desire, I called upon him. He was exceedingly polite, and told me that he had been anxious to see me; that he had written several notes, which he supposed had miscarried, and that owing to a very great press of business he had not been able to make regular inquiries for the place of my residence. He wished to speak about what particularly interested me. I interrupted him, and, in order to do away any impression which some absurd paragraphs in the newspapers relative to me might produce, thought it best to state explicitly and in the words of your letter why and how far I deemed myself authorized to proceed in the business. The Count then said that Lord Castlereagh had questioned him upon my arrival;—"a fact which I deemed it improper to deny or conceal;"—but he answered that the object of my coming could only be agreeable to the British Cabinet, as it was simply pacific. He had intended directing me to write a long letter to my government explanatory of the views and dispositions of this Cabinet. But Lord Castlereagh, having obtained from the ministers at St. Petersburg an unqualified declaration that their powers were limited to a negotiation under mediation (but that they were certain America would treat in any way wished for by the British government), had himself written, in the latter end of October, to Mr. Monroe, stating the precise circumstances of the

mission, what communications had taken place between the gentlemen who composed it and his government, and had finished by reiterating the anxiety of the British Cabinet to make peace. Count Lieven then went somewhat into the argument he had heard from Lord Castlereagh relating to the right of search and impressment as practised by the British navy, which he conceived could only be bottomed on a case of necessity. He declared that since his coming to the Court of St. James, and particularly since the offered mediation of his Emperor, he had had several conversations upon the subject of the American war with the English minister; that Lord Castlereagh had invariably and with great apparent sincerity pronounced his wish to accommodate; but had stated at length his reasons for refusing the Russian mediation (reasons that Count Lieven did not appear inclined to dwell upon); had instanced as a proof of this conciliatory spirit my being permitted to remain in the country, and had offered, if I expressed a wish, to receive me and to hear what I had to say or propose. The Count concluded by requesting me to call upon him frequently, when he would tell me everything relating to the matter, and desired me to write in his name and to assure my government of his perfect belief in the sincerity and pacific wishes of the British Cabinet.

I declined the offer of being introduced to Lord Castlereagh, stating that I was not authorized to take any such formal step, having merely received from you directions to hear whatever his Excellency might deem important enough to communicate to my government, and to transmit it immediately; that I was desired to assure him again and again of the real wish for peace on the part of the United States and of the appointed ministers individually, who had in contemplation a base for negotiation that did not appear to oppose any principle hitherto asserted by the British government. To his information that Lord Castlereagh had written to Mr. Monroe, I told him I could hazard no opinion as to the probability of ministers being sent from the United States, but sincerely hoped they would.

On the same day I called upon Mr. Baring, and found him just returned from the country. He mentioned that he had

written you a second letter, and was surprised it had not reached you before I left St. Petersburg. He seemed to have abandoned every hope of any negotiation, unless ministers came here from the United States, or you had time to receive new powers and instructions. He told me that Lord Castlereagh had that morning, in the most formal and public manner, crossed the floor of the House of Commons to make inquiries from him about my arrival; that his Lordship expressed some surprise at my not immediately apprising him, and declared it an evidence of an extreme condescension and of amicable spirit that he allowed me to continue in the country. Mr. Baring undertook a personal responsibility for my actions. He concluded by saying that he really thought ministers were desirous of terminating the American war, but that he had nothing which he supposed worth communicating to you just now.

After the conference with Count Lieven I had resolved on writing to Mr. Monroe immediately, but upon being told by Mr. Baring that he had assumed a personal responsibility for my conduct, which he trusted he would not find reason to think misplaced, and supposing a communication made by Mr. Beasley in my name and with the necessary explanations would answer the same purpose, I drew up the following short note, to which he was kind enough to put his signature, and which I enclose merely with a view to let you know everything I have done.

SIR,—I had the honor to transmit on the 8th a despatch from St. Petersburg put into my hands by Mr. Dallas. Some remarks having been made on the manner of his arrival by Lord Castlereagh to Mr. Baring, and the latter gentleman having assumed a personal responsibility, &c.

This, I believe, was forwarded to the United States on the 18th of December last, since which time nothing has occurred at all connected with the business. I have not lately seen Count Lieven. Mr. Baring has again left town. The cause of the allies is successful on the Continent. Generals Wilkinson and Hampton have been baffled in Canada, and America is

scarcely thought of. I have remained in London for the last six weeks, daily anticipating something to turn up, and always prepared, at a moment's warning, even to cross the Atlantic if the occasion required. Resolved, however, to adhere strictly to your short instructions, I have waited in vain.

The intended visit to my relations in Devonshire I have not yet paid, but am now making preparations for a short trip to them. In the mean while, should you think proper to write to me, your letters will most promptly be forwarded if directed to the care of Mr. Beasley. I am anxious to know if what I have done meets with your approbation, if I can do anything more, or whether, in your opinion, I had better return home. I wish to see Edinburgh, Dublin, and Paris, but your advice shall be gratefully received and most religiously pursued.

Present my best respects to Mr. Bayard, upon whose kindness during my connection with the mission I look back with warm gratitude; to Mr. Milligan, Mr. Todd, and James. And for yourself, dear sir, receive the assurances of an unaltered affection and veneration from

Your most obliged pupil.

GALLATIN TO COUNT ROMANZOFF.

$\frac{18}{25}$ Janvier, 1814.

MONSIEUR LE COMTE,—Je ne puis pas quitter St. Pétersbourg sans vous remercier encore une fois, non plus comme ministre mais comme simple particulier, des civilités dont vous m'avez comblé, et surtout de l'amitié que vous avez témoignée pour l'Amérique.

La confiance que vous m'avez inspirée m'enhardit à vous dire avec candeur que c'est avec un très-grand regret que je vois que nous partons, non seulement sans avoir réussi, mais même sans avoir reçu une réponse positive de S. M. I. sur la détermination de l'Angleterre au sujet de la médiation. Je ne vous répéterai point ce que je vous ai déjà dit, et que je n'aurais jamais dit si

je ne l'avais pas senti, sur la parfaite confiance que nous avons pour l'Empereur Alexandre, dont les talents et surtout les vertus forment une phénomène historique. Mais je ne saurais vous cacher que la manque de réponse à la mission extraordinaire des États-Unis peut produire en Amérique un effet défavorable et faire retomber sur le gouvernement de la Russie le blâme qui n'appartient qu'à l'Angleterre. Mais ce qu'il y a de plus fâcheux, c'est que tant que l'on reste dans cette incertitude à cet égard, aucunes mesures ne peuvent être prises pour des négociations directes, en sorte que la paix entre les États-Unis et l'Angleterre aura peut-être été reculée par l'offre de la médiation de la Russie, et un effet produit totalement contraire aux intentions bienfaisantes de S. M. I. L'importance d'une réponse serait encore plus grande si, comme on nous l'avait fait entendre, l'offre d'une négociation directe était renfermée dans le refus de l'Angleterre de traiter sous une médiation.

Si ces considérations frappent votre Excellence, j'oserais vous prier de faire un dernier effort pour qu'une réponse du quartier-général pût nous atteindre avant que nous quittions le continent. Nous serons au moins six semaines à nous rendre à Amsterdam, où je compte aller par Berlin, Leipsick, Gotha et Cassel; et dans les circonstances actuelles ce serait faire à ce que je crois un bien à l'Amérique et même à l'Angleterre de nous faire parvenir une réponse officielle de S. M. I. à l'une de ces places.

Acceptez, M. le Comte, l'assurance réitérée de ma considération la plus distinguée et permettez-moi dans cette dernière note de m'appeler votre dévoué et affectionné serviteur.

M. Harris qui vous remettra cette lettre et qui part dans dix jours, recevra toutes les communications que vous voudrez bien lui faire.[1]

[1] This appears to be the note alluded to in J. Q. Adams's Memoirs, ii. pp. 569–573; 1st Feb., 1814; but it hardly warrants Count Romanzoff's remark that it requested "him to write to them [Gallatin and Bayard] whatever might occur after their departure in reference to the mission," p. 569. The account given of it by Mr. Harris, p. 573, is more accurate; but in fact this note contains no request for any communication from Count Romanzoff beyond the official answer of the Emperor in regard to the mediation.

GALLATIN TO BARING BROTHERS & CO.

AMSTERDAM, 7th March, 1814.

GENTLEMEN,— . . . It was on the 25th January that Mr. Bayard and myself left St. Petersburg, and after a very tedious journey we arrived here without accident on the evening of the 4th instant. I had hoped to find here a letter from you or from Mr. Alexander Baring, but apprehend that you have not yet received mine of 14th January, nor he another of prior date. In these I requested that you would have the goodness to ascertain whether there will be any objection on the part of your government to my touching in England on my return to the United States, and if there was not, to send me here, under cover of Messrs. Willink, the necessary passport for myself, son, and servants. In repeating these requests I will also ask that you would ascertain whether we could obtain a passage for America, with your government's consent, in any cartel sailing about April 1. Although I wish to ascertain this, I hope not to be obliged to resort to this mode of returning home, and that I will be able to go in the Neptune, which brought us here from America. Unfortunately, she has not yet arrived in a port of Holland, as we had directed Captain Jones to do before we left Russia. And I hear that although he wintered in the outer harbor, which is generally free of ice almost all the year, the severity of this winter may detain him longer than I would wish to wait. It is only in case he should be so detained that I will wish to sail in a cartel from England, and on that account I will thank you to give me any information you may have respecting the said ship Neptune. . . . Will you also have the goodness to let Mr. Dallas, if in London, know of my arrival, and request him to write to me? Mr. Bayard will, of course, proceed to Gottenburg to meet the other commissioners of the United States. I do not know in what manner or by what route he intends to go; but I feel much interested that he should not be obliged to make use of the Neptune for that purpose, as it would disappoint and detain me. It is therefore my wish that he may have it in his power, if he shall think it consistent with propriety, to go

hence to England and thence to Gottenburg in a British packet, and I request that a passport, for which he would not probably apply himself, may be sent to him immediately for that purpose. . . .

GALLATIN TO ALEXANDER BARING.

AMSTERDAM, 1st April, 1814.

DEAR SIR,—I had the pleasure to receive your two letters of the 14th and 17th ult., and have concluded to pass through England on my return to the United States. The Neptune has not yet arrived, and I have left orders for the captain, on his coming to any port of Holland, to proceed immediately to Falmouth, where I will join him from London. I leave this place to-morrow,—Saturday,—and intend to embark in the packet at Helvoetsluys on Tuesday next. I request, therefore, that you will have the goodness to procure the necessary orders, and to have them conveyed to the proper authorities at Harwich, so that they may reach that place before my arrival. I wish those orders to extend to two points: 1. That I may be permitted to proceed to London with my suite without delay. 2. That my baggage may not be searched,—a courtesy to which I would be entitled if I was not an enemy, and which under the circumstances of my passing through England will not, it is presumed, be refused. For on account of the delay of the Neptune I am compelled to carry through England what would otherwise have been put on board that vessel, viz., my papers and about £150 worth of various trifles purchased here and at St. Petersburg. . . . I regret to be obliged to give you that trouble on such a subject. My apology is that however pleased I would have been under other circumstances to visit England, my passing through it at present cannot be personally agreeable, and that my only motive is to try to be of some use both there and in America, by giving and receiving such explanations as may assist in paving the way towards an arrangement between the two countries. With the hope of seeing you soon, I remain, &c.

GALLATIN TO CRAWFORD.

LONDON, 21st April, 1814.

MY DEAR SIR,—Mr. Bayard and myself left St. Petersburg on the 25th January, remained four weeks at Amsterdam, and arrived here on the 9th instant. I could not write you sooner, there having been no communication with Paris from Holland, and Mr. Poletica, who is the bearer of this, having offered the first safe opportunity for a confidential letter.

Messrs. Clay and Russell, who are jointly with Messrs. Adams and Bayard appointed to open a direct negotiation for peace with Great Britain, arrived at Gottenburg on the 12th instant, after a passage of forty-six days; but, as they had not reached the town when the last packet sailed, we have not yet received any letter from them, or any American news brought by the vessel in which they came.

There is a newspaper report of Norfolk, under date of 12th February, stating that G. W. Campbell was made Secretary of the Treasury, Rush Attorney-General, and that I had been nominated fifth commissioner to treat of peace with England. My stay in Europe will of course depend on the official account which Messrs. Clay and Russell will have brought. You are sufficiently aware of the critical situation in which the restoration of a general European peace has placed our affairs. The numerous English forces in France, Italy, Holland, and Portugal ready for immediate service, and for which there is no further employment in Europe, afford to this government the means of sending both to Canada and to the United States a very formidable army, which we are not prepared to meet with any regular, well-organized force; and they will also turn against us as much of their superabundant naval forces as they may think adequate to any object they have in view. In the prosecution of the war the Ministry would be supported by the general voice of the nation. In the intoxication of an unexpected success, which they ascribe to themselves, the English people eagerly wish that their pride may be fully gratified by what they call the "punishment of America." They do not even

suspect that we had any just cause of war, and ascribe it solely to a premeditated concert with Bonaparte at a time when we thought him triumphant and their cause desperate. That such opinions should be almost universally entertained here by the great body of the people is not at all astonishing. To produce such an effect, and thereby render the American war popular, the Ministerial papers have had nothing more to do than to transcribe American Federal speeches and newspapers. If Pickering, Quincy, Strong, Hanson, &c., have not brought a majority of the American people to their side, they have at least fully succeeded here, and had no difficulty in convincing all that part of the English community which derives its information from political journals that we had no cause of complaint, and acted only as allies of Bonaparte. I understand that the members of the Cabinet do not participate in that opinion, but it will certainly require an effort on their part against popular feeling to make peace with America. It must be added that even there (in the Cabinet) a belief is said to be entertained that a continuance of the war would produce a separation of the Union, and perhaps a return of the New England States to the mother-country. The multitude of persons in the army and navy, or connected with the war, where attached to the governing party, and whom peace will throw out of employment, will also press on government; and although it is probable that the immense military and naval establishments of this country will be so far reduced as to enable government to dispense with the most unpopular war taxes, a prosecution of the war against the United States would afford a convenient pretence for preserving a much more considerable standing force than is necessary and would otherwise be allowed by Parliament. It may, on the whole, be reasonably inferred that the ministers will be neither disposed to make the least concession (for doing us justice on any point would receive that name) in order to obtain peace, nor at all displeased in case of failure of the negotiations.

The only external check to those dispositions can be found in the friendly interposition of the Emperor Alexander, not as a mediator, but as a common friend, pressing on this government

the propriety of an accommodation, and expressing his strong wishes for a general restoration of peace to the civilized world. I do not know whether your situation affords you means of approaching him, and can only state my opinion of the great importance that an early opportunity should be taken by you, or any other person you may think fitted for the object, to call his attention to the situation in which we are left, and to the great weight which his opinion in favor of peace on liberal conditions, strongly expressed to this government, must necessarily have at this time. Of his friendly disposition for the United States there is no doubt; but we may be forgotten; and it is necessary that he should be apprised of the hostile spirit which prevails here, and which, if not balanced by some other cause, may even carry ministers beyond their own wishes and views. It should also be stated that our government having accepted one year ago the Emperor's mediation, and not having supposed that, considering the political connection between him and Great Britain, she could reject that offer, no other provision was made on our part to obtain peace until our government was apprised in January last of the rejection of the mediation by England. Thus was a delay of a year produced, and the opening of our negotiations unfortunately prevented till after England is at peace with the rest of the world; a circumstance which, although it does not give us a positive right to claim the Emperor's interference, affords sufficient ground to present the subject to his consideration. I entreat you to lose no time in taking such steps as may be in your power in that respect, and to write to me whatever you may think important for the success of the mission should be known to us. The only modes of safe conveyance which I would recommend would be private American opportunities, or through the channel of the Russian Secretary of State, or of Mr. Poletica, directing to me under cover of "Count Lieven, Ambassador Extraordinary of H. I. M. the Emperor of all the Russias, London."

I send General La Fayette's patents, which were erroneously put in my hands instead of yours, and which I have had no previous safe opportunity to transmit. My last letters from my family were dated 23d January, when they were all well; but I

have none of a late date from government or from any of its members.

I am, my dear sir, with great respect and sincere attachment, truly yours.

GALLATIN TO LA FAYETTE.

LONDON, 21st April, 1814.

DEAR SIR,—I regret that your patents should be put in my hands instead of being intrusted to Mr. Crawford, as no safe opportunity has as yet offered itself for their conveyance.

I had the pleasure of seeing very often your friend Tracy at St. Petersburg, and left him there in good health on 25th of January.

I believe that I am not mistaken in offering you my congratulations on the late events in France. It would certainly have been desirable that the changes should have been produced by the spontaneous will of the French people rather than to appear to have been forced by a foreign army. But if such was to be the mode, you are most singularly fortunate that the Emperor Alexander should have been the agent. With respect to the result itself, I think that every friend of rational liberty and of humanity must rejoice at the overthrow of the detestable tyranny under which you and a great part of Europe groaned, and in the hope that you have at last laid the foundations of institutions probably as free and liberal as you are susceptible of. My attachment to the form of government under which I was born and have ever lived never made me desirous that it should, by way of experiment, be applied to countries which might be better fitted for a limited monarchy. And if this be that which suits you best, I think the ancient dynasty in every respect preferable to a new one. Unfortunately, whilst the greater part of the civilized world rejoices at the restoration of a general peace, the United States remain alone at war, and are placed in a more critical situation than ever they were since the first years of their Revolution. Pride, avarice, and ambition will throw here great obstacles to an accommodation,

for which there has ever been, on our part, the most sincere disposition. I write to you, well knowing your unalterable attachment for America, and that if in your power you will lend your assistance in promoting that result.

GALLATIN TO CLAY.

LONDON, 22d April, 1814.

DEAR SIR,—We have just heard of your arrival, but have received no letters; and I am yet ignorant whether I am one of the new commission to treat of peace. My arrangements must depend on that circumstance, and I wait with impatience for the official account which you must have brought. For that reason Mr. Bayard addresses you and Mr. Russell in his own name; but I coincide fully with him in the opinion that the negotiations should by all means be opened here, or at least in Holland, if this is not rendered impracticable from the nature of the commission. If this has unfortunately been limited to treating of peace at Gottenburg, which seems highly improbable, there is no remedy. But if the commission admits of a change of place, I would feel no hesitation in removing them at least to any other neutral place, whatever may be the language of the instructions. For their spirit would be fully answered by treating in any other friendly country as well as if at Gottenburg. On that point I feel great anxiety, because, on account of the late great changes in Europe, and of the increased difficulties thence arising in making any treaty, I do believe that it would be utterly impossible to succeed in that corner, removed from every friendly interference in our favor on the part of the European powers, and compelled to act with men clothed with limited authorities and who might at all times plead a want of instructions.

You are sufficiently aware of the total change in our affairs produced by the late revolution and by the restoration of universal peace in the European world, from which we are alone excluded. A well-organized and large army is at once liberated

from any European employment, and ready, together with a superabundant naval force, to act immediately against us. How ill prepared we are to meet it in a proper manner no one knows better than yourself; but, above all, our own divisions and the hostile attitude of the Eastern States give room to apprehend that a continuance of the war might prove vitally fatal to the United States.

I understand that the ministers, with whom we have not had any direct intercourse, still profess to be disposed to make an equitable peace. But the hope, not of ultimate conquest, but of a dissolution of the Union, the convenient pretence which the American war will afford to preserve large military establishments, and above all the force of popular feeling, may all unite in inducing the Cabinet in throwing impediments in the way of peace. They will not, certainly, be disposed to make concessions, nor probably displeased at a failure of negotiations. That the war is popular, and that national pride inflated by the last unexpected success cannot be satisfied without what they call the chastisement of America, cannot be doubted. The mass of the people here know nothing of American politics but through the medium of Federal speeches and newspapers faithfully transcribed in their own journals. They do not even suspect that we have any just cause of complaint, and consider us altogether as the aggressors and as allies of Bonaparte. In those opinions it is understood that the ministers do not participate; but it will really require an effort on their part to act contrary to public opinion; and they must, even if perfectly sincere, use great caution and run some risk of popularity. A direct or at least a very near intercourse with them is therefore highly important, as I have no doubt that they would go farther themselves than they would be willing to intrust any other person. To this must be added that Lord Castlereagh is, according to the best information I have been able to collect, the best-disposed man in the Cabinet, and that coming from France and having had intercourse with the Emperor Alexander, it is not improbable that those dispositions may have been increased by the personal expression of the Emperor's wishes in favor of peace with America. Whatever advantages may be derived

from that circumstance and from the Emperor's arrival here would be altogether lost at Gottenburg.

I have confined my letter to this single point, and hoping soon to hear from you and from Mr. Russell, to whom you will present my best compliments, I remain, dear sir, respectfully and affectionately, your friend and servant.

CLAY TO BAYARD AND GALLATIN.

GOTTENBURG, 2d May, 1814.

Colonel Milligan, arriving here the evening before last, delivered to me Mr. Bayard's letter of the 20th ult. to Mr. Russell and myself, and that of Mr. Gallatin of the 22d to me alone. I was much gratified in being relieved by them from the uncertainty in which I was placed as to your movements and prospects. On your part you will have been extricated, prior to the receipt of this letter, from a more perplexing embarrassment, particularly in respect to Mr. Gallatin, as to the new commission, by the despatch forwarded by Captain Jones in the Neptune. It would have been highly satisfactory to me to have been assisted by our colleagues, Messrs. Adams and Russell, in deliberating upon the contents of your letters. But the latter gentleman left this place on the 25th. The object of his visit was to present his credentials and to establish those relations with the Swedish government which may be deemed expedient, intending to return to this place the moment he should learn, by your arrival, that his presence was necessary. Of Mr. Adams I have no information except what is contained in the following paragraph of Mr. Russell's letter: "Mr. Speyer received this morning (26th April) a letter from Mr. Adams, dated the 11th of the month, in which he says he proposes to leave St. Petersburg about the 20th of this month, and hopes to arrive somewhere in Sweden by the 1st of May, probably at Stockholm. His route, he says, will depend on the thermometer of the next ten days." Mr. Russell adds that he shall endeavor to be ready to accompany Mr. Adams

should he pass by Stockholm to Gottenburg. E
the benefit of consulting with either Mr. Adams or
I have given to the subject of your letter the best
in my power. With regard to changing the place o
it appears to me to be a measure attended with sor
and requiring, on our part, great delicacy. Before
left this place, we learnt that the British chargé
Stockholm had presented, on the 9th of April, a
Swedish government informing it of the contempl
tion here, and asking its sanction to the measure.
obvious duty on the part of the representative of
ment to solicit also from Sweden the hospitalities req
condition here, and, although Mr. Russell had no p
struction to that effect, he intended, with my advice,
note on the occasion the moment he was accredited.
no doubt he has done. The Swedish government, th
informed by both parties of the intended negotiation
see with surprise, if with no other emotion, anoth
quickly substituted for Gottenburg. I need not i
that our government counts much upon the friend
Northern powers, particularly Russia and Sweden.
though I have no doubt that the Crown Prince has
scale of European affairs much of his weight by the g
which he has himself contributed to produce, we ought
to jeopardize his friendship. But it is highly probab
President, had he foreseen what has occurred since t
our instructions, would have deemed Holland equal
with this place, if not more so. And I am prepar
instance, and in all others, to give to our instruction
interpretation, with a view to the wonderful revoluti
have recently occurred. If, therefore, any place in Hc
be substituted for Gottenburg in such manner as that tl
shall be understood to be at the instance of Great Bri
have my consent to make it. Being thus brought ab
explanations may be made to Sweden as will not on
to us her friendship, but cast upon the other party all
friendly consequences, should there be any, growing ou
measure. I enclose herein an extract of a letter I fc

this morning to Mr. Russell, to put him in possession of the proposed change, and of my views of it.

With regard to going to London, with great deference for the opinion of Mr. Gallatin, I really cannot concur in that measure. If there be a doubt as to what our government has done to restore peace, it cannot lie on the side of its having done too little. A power of less pretensions than the United States might with great propriety, after the rejection of the Russian mediation, have demanded that its own seat of government should be the theatre for discussing propositions for peace. Having waived this, and acceded to one of the alternatives offered by the other party, I do not think that we ought to submit to further condescension, especially when we have yet to see in British history the example of that haughty people having been conciliated by the condescension of their enemy. I am deeply sensible of the magnitude of the present crisis, which I have endeavored to view in all its consequences, immediate and remote. And the result of my reflections is that we shall best promote the objects of our mission and acquit ourselves of our duty by preserving a firm and undismayed countenance. We have the chances in our favor of the Continental negotiations which are or will shortly be going on. It is impossible that Europe, liberated as it is from the despotism of Bonaparte, should be indifferent to the enormous power and the enormous pretensions of Great Britain on the ocean. It will assuredly, I presume, impose some limits on her. If she is wise she will readily acquiesce in them. The sympathy which she derived from the world generally, under the supposition that she was contending for her existence and struggling for their liberties, has ceased. If, intoxicated by her present prosperity, she rejects the counsels of moderation and prudence, that which Bonaparte attempted by compulsion will be accomplished by the voluntary consent of Europe. But I forbear; indeed, I ought to apologize for touching at all on a subject on which you are so much more competent to judge. From the letter of Mr. Bayard I remark that it is thought by you proper that we should make some official communication to the British government of our arrival here. The embarrassment which, even if Mr. Russell had been here, a

minority of the commission must have felt on t
greatly increased by my standing alone. It seem
first place that, having been invited here by the B
ment, that government ought, by the promptitu
measures, to have rendered unnecessary such a n
our part. Waiving, however, this point of etiquet
tainly am not going during this negotiation to giv
to any affair of mere etiquette), what could I alon
who compose the commission, say to accelerate th
of the other party? It has, therefore, appeared
advisable to transmit to you, which I now do, copi
commissions and of the new instructions which our
has issued, and to submit to you the making of such
tion as may be adapted to the occasion; and I auth
deem it at all necessary, any use whatever of my n
tion to it. The packages and letters which we brou
from America are sent by Colonel Milligan, and M
the secretary of the mission, who accompanies him.

GALLATIN AND BAYARD TO MONROE.

LONDON, 6th J

It is much to be apprehended that the great and
events which have so entirely changed the state of
Europe may have a serious effect on the nature and
the war carried on by Great Britain against the Uni
as well as on the proposed negotiations for peace. A
has already been signed between France and the alli
suspension of hostilities and for the restoration of pris
is said and believed that the articles of a definitive
peace between all the European powers have been chie
upon, and the treaty is expected to be concluded in a f
This state of things, and the security derived by Gre
from the restoration of the Bourbons on the throne o
and from the expulsion of Bonaparte to Elba, put at
position of this government the whole of their force h

employed against France. It might also be inconvenient here to reduce suddenly the army and navy to a peace establishment, and there can be no doubt that if the war continues, as great a portion of that disposable force as will be competent to the objects of the British government will be employed in America.

The complete success obtained by this country in their European contest has excited the greatest popular exultation, and this has been attended with a strong expression of resentment against the United States. Extravagant projects and hopes of success are entertained. The restriction of our commerce and fisheries is said to have been the subject of petitions to the Ministry; the curtailment of our northern boundary and an exclusive right to navigate the Lakes are suggested; and even a division of the Union is expected from a continuance of the war. The popular feeling is evidently strongly in favor of the prosecution of the war against us. This sentiment is universal, and so powerful that it will be difficult for ministers to control it should they be disposed to peace. Having no direct intercourse with any member of the Cabinet, our information as to its disposition or views is necessarily imperfect and uncertain. There is, however, no reason to doubt that peace may be had; but it seems certain that whatever modifications in the practice of impressment may be obtained, the point itself will not be conceded. On this subject the opposition and the whole nation support the Ministry. It is true that the restoration of peace in Europe has for the present reduced the conflicting rights and pretensions of the two countries on that subject to little more than questions of abstract rights, which might at this moment remain undecided without material prejudice to the interest of either party; but we have reason to believe that the Ministry is more disposed to an arrangement of the subject with a view to prevent what is called the abuses of the practice than to pass it over in silence. We think that we may at all events distinctly state that for our government the alternative only remains either to resolve on a vigorous prosecution of the war under an expectation of probable success, or to forego for the present the assertion of our rights on what was the principal remaining object of the war.

No persons have as yet been appointed on the part of this government to conduct the negotiation at Gottenburg. Having received an intimation that an official communication would be expected of the appointment of commissioners on our part and of their arrival in Europe before an appointment would be made by this government, we despatched a messenger to Gottenburg to Messrs. Clay and Russell, who we expect will enable us, in the course of a few days, to make the official notification which is suggested to be required. As soon as there is a probability of our being shortly followed by the British commissioners, we shall not fail to repair to the rendezvous agreed upon.

Conceiving that the negotiation could be conducted with more facility and despatch in Holland than at Gottenburg, and presuming that if the neutrality of Holland had been known in America when the place was fixed upon it would have been preferred, we have undertaken to recommend to Messrs. Clay and Russell, if our powers leave us a discretion on the subject, to transfer the seat of negotiation to Amsterdam or the Hague, which we are allowed to say would meet with the concurrence of this government. The good dispositions of the Prince of Orange towards our country are marked by his prompt appointment of a minister to our government, and we have reason to believe that he would freely contribute any friendly offices in his power to the re-establishment of peace.

We are also of opinion that under existing circumstances England would in every point of view be at present preferable for the seat of negotiation to any other place. These circumstances may, however, vary, and we beg leave to suggest the propriety of authorizing the commissioners of the United States to remove those negotiations to any place which in their judgment may appear most proper for insuring their successful issue.

W. H. CRAWFORD TO THE UNITED STATES COMMISSIONERS.

PARIS, 13th May, 1814.

GENTLEMEN,— . . . Expectations have been entertained by the government, and you no doubt have participated in them, that the Emperor Alexander would interest himself in the negotiation between us and our enemy. This expectation I am convinced will be wholly disappointed. Shortly after the arrival of the allies in Paris, I called upon Count Nesselrode, but was informed that he was attending the Emperor in council. I left my card, and proceeded to the hotel of the King of Prussia, and carded the person whose duty it was to present persons of distinction to the King. Some time after, I called on Count Nesselrode again, who sent me word by my valet that he was engaged at the council-table and was quite in despair at not being able to see me. Pursuant to the advice and opinion of the Danish minister, I addressed a note to the Count, requesting an interview, and, foreseeing that his *engagements might prevent his compliance with this request*, I desired him to communicate to the Emperor my wish to be presented to a monarch who had given such strong proofs of friendship to the United States. To this note I have received no answer. In my interviews with the Count la Forest I thought I discovered the most friendly disposition towards the United States. I asked him whether I should have to wait for new letters of credence before I could engage seriously in the discussion of our claim to indemnity with the new government. He thought there would be no necessity for this delay, but said the question would be settled immediately after the King arrived. This day week the Monitor announced that on the next day the King would receive in the hall of his throne the ambassadors near his Majesty. I had an interview with La Forest in the course of the day, who thought I ought to attend. I told him that he was the proper person to decide that question, and that I could not go without an express invitation from him. He insisted that the Grand Master of Ceremonies was the proper person to whom I ought to address myself.

He desired me to send him a note simply by w
ing him of my name and station, and that I woul
of course. I refused to go to the palace unless I
writing that I should be presented. I finally agr
note to the Grand Master of Ceremonies and requ
This was done, and no answer was received. I
circumstances to show that the King and his mi
feel the same friendly disposition to the United S
time since, the minister told me that Lord Castlere
mitted to him observations upon the difference of t
tween American and British vessels in the ports of
afterwards read to me a report which he intended
the King, proposing that the prizes of both belli
be condemned and sold in the ports of France. H
afraid this proposition would not be acceptable to
minister. If the proposition should be rejected, he
pose that the prizes of both belligerents should be
and remain without adjudication until peace. I s
days ago, when he informed me that every intervi
him and the British minister afforded new proofs
extreme hostility on the part of the minister to
States. In the course of the conversation I mentione
unworthy of credit the reports circulated in Paris of e
on the part of the King to aid England in the pr
the war against the United States. He said that in a
with the King he undertook to amplify the bad effect
from the fabrication of false reports by referring to
graph in the newspapers stating that the allied pow
a secret convention engaged not to interfere in the aff
United States, and that the King of France was to
same engagement. The King promptly replied that
the throne as free from all conditions from foreign
was the crown which he wore. The Count said that
care what effect these reports might have upon the mi
few Americans in the trading cities of France, but
deeply regret that they should reach the United States
a tendency to depress the public mind. He is extremel
that the negotiation should open immediately and pro

idly. He believes the duration of the European peace depends substantially upon the adjustment of our difference with England. After I had failed in obtaining access to the Emperor of Russia and to his minister, I requested General La Fayette to endeavor, through Colonel La Harpe, to have the proper representations made to Nesselrode or to the Emperor. Every effort to effect this object has been abortive. It seems as if there had been a settled determination to prevent the approach of every person who is suspected of an attachment to the United States. The general has, however, come in contact several times with Baron Humboldt, the Prussian minister, who has imbibed already the British misrepresentations.

The general asked him if his particular friend should have a quarrel with a man who was known to be engaged in a contest which indirectly affected his interests, and, notwithstanding this circumstance, this person should propose to make him the umpire in the case, and his friend should refuse this proposition, whether he should not, without further inquiry or knowledge of the circumstances, suspect that his friend was wrong. He replied, certainly he should. The general then said that such was the case with the United States and England. England had refused the mediation of Russia at the moment he was receiving her money. After the publication of the paragraph before alluded to, the Baron told the general that the paragraph was untrue, but admitted that they could not get England to treat until they agreed that the question of maritime rights should not be brought into discussion of the general peace. He insisted, however, that nothing had been settled in relation to the United States, and that question was entirely open. Mr. Poletica called on me yesterday, evidently for the purpose of contradicting the same statement, but he spoke of it as though we had conversed upon the subject before. I had not seen him since Saturday, and the paragraph did not appear until Sunday. I took no notice of this mistake; admitted that it might be incorrect, but stated what I believed to be the fact, which he seemed disposed to admit. I stated to Count la Forest, in my last interview with him, my conviction that this statement was not without foundation, and that its publication in the Monitor

was something like an official declaration of the policy which the French government intended to pursue. He said, by way of repelling this idea, that the Monitor consisted of three parts; that under the interior head it was official, but under the foreign and literary heads the editor acted on his own responsibility. I have discovered no change in the character of the Monitor, except that it now eulogizes Louis the Eighteenth instead of the Emperor Napoleon; and everybody knows that nothing ever appeared under the foreign head without authority. These details will, I think, convince you that there is no reason to expect any interference on the part of the Emperor of Russia. . . .

BAYARD AND GALLATIN TO ADAMS, CLAY, AND RUSSELL.

LONDON, 17th MAY, 1814.

We have the honor to acknowledge the receipt of Messrs. Clay and Russell's joint letter of 20th April, and of Mr. Clay's of the 2d of May, written in answer to that of Mr. Bayard of the 20th April. In conformity with the view of the subject taken by Mr. Clay, we simply communicated to this government our joint appointment and your arrival at Gottenburg, leaving to them to make any proposal they might think proper for a change in the place of negotiation. Copies of our note, of Lord Bathurst's answer, and of our reply are enclosed. You will perceive that, thinking Ghent free from objection, and not less convenient than a place in Holland, we have acceded to Lord Bathurst's proposal. Some advantage may be derived from having evinced a conciliatory disposition on that subject, and we felt no hesitation in preferring any place in the Netherlands to Gottenburg. A prompt communication between the British commissioners and their government may have the effect to facilitate and shorten the negotiations.

In regard to Sweden, we beg leave to observe that, however favorable her general disposition may be, she cannot at this moment interpose any good offices on our behalf, being no longer

wanted by the allies, whilst she needs the active assistance of this country in order to obtain the possession of Norway. We will thank you to favor us with an early answer, directed under cover of Mr. Beasley, and to inform us of the time at which you expect to reach Ghent, which may probably enable us to hasten the departure of the British commissioners and prevent any delay in the opening of the negotiations. In case we should have left London before the arrival of your letter, Mr. Beasley will transmit it to us on the Continent.

BAYARD AND GALLATIN TO MONROE.

London, 28d May, 1814.

We have the honor to inform you, that understanding that it was the intention of the British government to postpone the appointment of commissioners to treat of peace till they had received an official notification of the appointment of commissioners on the part of the United States, and of their arrival in Europe, we wrote immediately to Messrs. Clay and Russell, upon hearing of their arrival at Gottenburg, requesting them to make the communication. Upon the return of the messenger, we received from Mr. Clay, Mr. Russell being absent at Stockholm, copies of our commissions, which we transmitted to the British Department of State for Foreign Affairs, with a note, dated the 13th day of May, addressed to Lord Castlereagh. On the 16th of May we received an answer, signed by Lord Bathurst, containing an assurance that commissioners would be forthwith appointed on the part of his Majesty's government, and proposing that Ghent in the Low Countries should be substituted in place of Gottenburg as the seat of the negotiation. Considering this change as promising some advantages and in no degree repugnant to the principle upon which Gottenburg was agreed upon, and thinking it advisable to give the earliest proof of a disposition to accommodate, we did not hesitate in acceding to the proposition, and we signified our assent in a note dated 17th inst., addressed to Lord Bathurst. Copies of these

several notes accompany this despatch. We have written to Messrs. Adams, Clay, and Russell apprising them of this new arrangement, and requesting them to repair to Ghent, to which place we are about to proceed.

W. H. CRAWFORD TO THE UNITED STATES COMMISSIONERS.

PARIS, 24th May, 1814.

GENTLEMEN,—The return of Mr. Poletica to London offers a safe conveyance for this communication. I have but little to add to my letter of the 13th instant. A few days past I was informed by a friend that if I would draw up a short statement of the reciprocal causes of complaint between the United States and England, that he would cause it to be laid before the Emperor of Russia. This statement would not be communicated to the Count Nesselrode, or to any of the Emperor's officers, as they are believed to be in the interests of England. In consequence of this intimation I drew up a statement, a copy of which is enclosed. It was to have been presented to the Emperor yesterday. I do not expect any beneficial result from it. The injunction of brevity, which was thought to be indispensable to secure its perusal, and a sense of national dignity, prevented the introduction of observations tending to repel the charge of subserviency to the views of the Emperor Napoleon. I understand that the ministers of the three allied powers have affected to consider the war between America and England as the result of this subserviency. I will not intrude upon your time by inquiring whether this opinion is real or only affected to cover the apathy which is affected by them for the event of the contest for maritime rights in which we are engaged. Perhaps I should not have excluded this topic if I had anticipated any beneficial result from the measure. . . .

LA FAYETTE TO GALLATIN.

PARIS, 25th May, 1814.

MY DEAR SIR,—I am much obliged to you for the care you have been pleased to take of my patents, and still more grateful for the beneficial kindness I have experienced from you in the whole course of that transaction. The munificence of Congress, its importance to me, the assent of the people, and the goodness of my friends shall ever live in my heart as objects of the most happy feelings. Let me hope, my dear sir, you will not leave Europe before I have had the satisfaction to express the sense I have of my obligations to you, and all the sentiments which made me your affectionate friend before I had the honor of a personal acquaintance.

You have done me the justice to think of the patriotic concern I could not help to feel for the United States amidst the joys and congratulations of an European peace. The British Ministerial papers are so outrageous, the warlike preparations so threatening, that it would seem the soldiers of America, young and veterans, have nothing left to do but to join their colors and again to fight for liberty and independence. Yet I hope the able and respectable commission from the United States will succeed in securing for her the blessings of a timely pacification.

Mr. Crawford is better qualified than I am to give you all the information from this quarter which relates to American concerns. The confidence with which he honors my zeal has enabled me to discuss the matter with some influencing characters among the allied generals and diplomates. Two of the latter act a great part in the present negotiations. I found them well acquainted with British arguments and impressed with British prejudices, which convinced me that care had been taken to influence their opinion. I have endeavored to dispel those notions and urge the propriety of a general intervention of the European powers to insure an American peace. An opportunity has been seeked, which I am bound not to name, for putting directly under the eyes of Emperor Alexander a note of Mr. Crawford. You may depend it has been faithfully deliv-

ered, with proper comments, along with a letter, the copy of which Mr. Crawford has desired me to enclose. I expect this evening to meet the Emperor of Russia at a friend's house, and shall try to obtain some conversation on the subject. How could we not hope for a peace when all the objects of litigation are at an end? Don't you think, my dear sir, that peculiar circumstance is for the United States an honorable way to get out of a formidable war and to leave no excuse to the enemy for the prosecution of it? Permit me to add that from my conversation with foreigners, including some Englishmen, I have had to combat the idea of a Bonapartian partiality imputed to the American Cabinet, and that my explanations on the subject have been such as to furnish new arguments to such of those statesmen as may be disposed in our favor.

I must apologize to you, my dear sir, for those details, which look as if I would give to my private endeavors an undue and exaggerated importance. But the cause has such a hold of my heart, and I am so happy in the hope to render some service to it, that you will readily excuse me.

The newspapers give you an account of French interior politics, with this difference, that the spirit of liberty is more alive than you could infer from the addresses and paragraphs to which the provisory *censure* upon the journals does not permit to publish proper antidotes. In the enclosed collection you will find what has hitherto been done officially. Commissioners of the King are now debating constitutional articles with a committee of Senators and members of the Legislative Corps, equally named by him. But the last resort is to those two bodies and the public opinion. Some good pamphlets, amidst several bad ones, have been published. I am so taken up with this great concern that it does in great measure divert my thoughts from the preliminaries which deprive France of those natural, proper, well-earned frontiers which, under the tricolor cockade, had been secured, I thought, forever.

I feel a lively gratitude for the obligations conferred on Victor Tracy by my friend Mr. Quincy Adams. His family and mine partake in that sentiment, and join with my thanks for your particular attentions to him.

Begging my best respects to be presented to your worthy colleagues, I have the honor to offer you the assurances of my high regard and grateful attachment.

W. H. CRAWFORD TO UNITED STATES COMMISSIONERS.

PARIS, 28th May, 1814.

GENTLEMEN,—Since my letter of the 24th instant I have received the enclosed letter from General La Fayette, which may be of some use to you. He feels very confident that the exertion will be made. I presume there is no rational ground to doubt it.

I think the strongest argument he could urge would be the certainty of enlisting all the maritime states against England in a very short time if this war continues. So far as the interest of English commerce is likely to be directly involved in the question, I imagine it has been well understood and has been maturely considered.

The French government has revoked the decision of the late Emperor permitting American armaments in the ports of France. The general complexion of the official note communicating this change of measures is friendly, and I am still in hopes that if the war continues, the condemnation and sale of prizes will be permitted in the ports of France to both belligerents. Mr. Poletica, who will hand you this, will possibly be able to inform you something of the nature of the treaty which has been or will be signed before the departure of the allied sovereigns. Its contents have not transpired. The French nation will be probably dissatisfied with it, even if it is reasonable and just. The attempt in the French journals of Paris to reconcile them to it has a tendency to irritate the national feeling, not simply against the treaty, but against the King. The object of the journals is to give the King the whole credit of the peace, by representing the nation as being conquered and imploring the mercy of the allied sovereigns.

This is wholly indigestible to French stomachs. You can-

Univer... MICHIGA...

not make a Frenchman believe that he is conquered as long as he can walk. Europe seems to be engaged in making and breaking constitutions. England and Russia are perhaps the only nations who are not engaged in forming or overturning constitutions. Certainly great changes of opinion have taken place upon this subject within the last twenty years. The news from Spain is of a distressing nature; perhaps it is not very truly represented, as it is at least probable that there is something like concert between the sovereigns of this and that country.

I am, gentlemen, your most obedient and very humble servant.

[Enclosure.]

LA FAYETTE TO W. H. CRAWFORD.

26th May, 1814.

MY DEAR SIR,—I passed the last evening in company with the Emperor Alexander, who, however prepossessed in his favor, has surpassed my expectations. He really is a great, good, sensible, noble-minded man, and a sincere friend to the cause of liberty. We have long conversed upon American affairs. It began with his telling me that he had read with much pleasure and interest what I had sent him. I found ideas had been suggested that had excited a fear that the people of the United States had not properly improved their internal situation. My answer was an observation upon the necessity of parties in a commonwealth, and the assertion that they were the happiest and freest people upon earth. The transactions with France and England were explained in the way that although the United States had to complain of both, the British outrages came nearer home, particularly in the affair of impressments. He spoke of the actual preparation and the hostile dispositions of England. I of course insisted on the rejection of his mediation, the confidence reposed in him by the United States, who hastened to send commissioners chosen from both parties, which he very kindly acknowledged. He said he had twice attempted to bring on a peace. "Do, sir," said I,

"make a third attempt. It must succeed; ne vous arrêtez pas en si beau chemin. All the objects of a war at an end, the re-establishment of their old limits can the less be opposed, as the Americans have gained more than they have lost. A protraction of the war would betray intentions quite perverse and hostile to the cause of humanity. Your personal influence must carry the point. I am sure your Majesty will exert it." "Well," says he, "I promise you I will. My journey to London affords opportunities, and I will do the best I can." I told him I had received a letter from Mr. Gallatin, now in London, and we spoke of him, Mr. Adams, Mr. Bayard, and the two new commissioners. I had also other occasions to speak of America; one afforded me by the Swedish Marshal Stadinck, who mentioned my first going over to that country; another by a well-intentioned observation of Madame de Staël, that she had received a letter from my friend Mr. Jefferson, of whom he spoke with great regard. This led to observations relative to the United States and the spirit of monopoly in England, extending even to liberty itself. The Emperor said they had been more liberal in Sicily than I supposed them. I did not deny it; but expressed my fears of their protecting Ferdinand against the Cortes. His sentiments on the Spanish affairs were noble and patriotic. The slave-trade became a topic, upon which he spoke with philanthropic warmth. Its abolition will be an article in the general peace.

You see, my dear sir, I had fully the opportunity we were wishing for. If it has not been well improved, the fault is mine. But I think some good has been done; and upon the promise of a man so candid and generous I have full dependence. If you think proper to communicate these details to Mr. Gallatin, be pleased to have them copied. He spoke very well of him, and seemed satisfied with the confidence of the United States and the choice of their representatives to him. By his last accounts Mr. Adams was at St. Petersburg. The particulars of this conversation ought not, of course, to be published, but you will probably think it useful to communicate to the commissioners.

Most truly and respectfully yours.

GALLATIN TO MONROE.

LONDON, 2d June, 1814.

SIR,—Since Mr. Bayard's and my joint letter of 23d ult., announcing to you that the negotiations for peace would take place at Ghent, Mr. Bayard has proceeded to that city by way of Paris. I have remained here waiting for the answers of our colleagues at Gottenburg, and will depart as soon as I know that they and the British commissioners are on their way to the appointed place. The definitive treaty of European peace being signed and ratified, Lord Castlereagh is expected here this day, and the Emperor of Russia in the beginning of next week.

I enclose copy of an extract of a letter of Mr. Crawford to me. I may add that I have ascertained that the exclusion of all discussions respecting maritime questions and of any interference in the American contest was one of the conditions proposed at the Châtillon conferences, and I have reason to believe that with respect to the first point a positive, and in the other at least a tacit agreement have taken place in the late and final European negotiations at Paris.

GALLATIN TO MONROE.

LONDON, June 8, 1814.

SIR,—I had in April last written to Mr. Crawford urging the necessity of obtaining the friendly offices of the Emperor of Russia. It was in answer that he wrote the letter of which an extract was sent in mine of yesterday to you. I had also written to General La Fayette respecting the critical situation in which the United States were placed by the general European peace. I have this moment received letters from both. No. 1 is an extract from Mr. Crawford's letter of 24th May, in his own cipher. No. 2, in my cipher, is a copy of so much only of his memoir on our war, presented to the Emperor of Russia, as respects the conditions of peace suggested by him. No. 3 is an

extract of La Fayette's letter to me. No. 4 is the translation of so much of his note to the Emperor of Russia as respects the terms of peace as above. No. 5 is an extract of Mr. Crawford's letter of 28th May to us. No. 6 is a copy of La Fayette's letter to him. These two last are in Mr. Crawford's cipher, those parts which are underlined excepted, which are in my own.

LA FAYETTE TO GALLATIN.

PARIS, June 3, 1814.

MY DEAR SIR,—I have just the time to write a line by my friend M. de Humboldt, who hopes to reach London before you have left it. M. Poletica having taken charge of Mr. Crawford's despatches and a letter of mine, I ought to refer you to them. Here is, however, another copy of the observations which I had put under the eyes of Emperor Alexander, while I transmitted to him, through a particular friend, the excellent and more extensive note of Mr. Crawford. His letter of a later date than mine to you will have informed you that I had the expected conversation with the Emperor of Russia at the house of Madame de Staël, and that it has been very satisfactory. He began with telling me he had read with much pleasure and interest what I had sent to him. He gave me all the time to explain away the allusions and insinuations of the adversaries to the United States, and kindly positively promised he would take the opportunity of his journey to London and make a new eager attempt to promote a peace. I have had the matter urged again before his departure. I much wish you and Mr. Adams, with both of whom he is personally acquainted, might be in England during his short stay there. I am sure this noble-minded Alexander will make it a point to serve us in the critical juncture. You may begin the conversation with thanking him for the intention to do so to the best of his power, which he very positively expressed to me. Our friend Humboldt, who has already spoken to him on the subject, would be happy to receive your directions

for anything in his power. I hasten to scribble this letter to be forwarded by him, and offer you my respectful attachment.

I have had the pleasure to see Mr. Bayard, who is arrived four days ago.

GALLATIN TO MONROE.[1]

LONDON, 13th June, 1814.

SIR,—The armament fitted against America will enable the British, besides providing for Canada, to land at least 15 to 20,000 men on the Atlantic coast. Whether the Ministry be nevertheless disposed for peace a few weeks will determine. It may be intended to continue the war for the purpose of effecting a separation of the Union, or with a view of promoting the election of a President of the Federal party, or in the hope of imposing conditions which will curtail the territory, the fisheries, and diminish the commerce of the United States; but even with the intention of a speedy and equal peace, the pride and vindictive passions of the nation would be highly gratified by what they would consider a glorious termination of the war, by an expedition that may console them for the mortification of naval defeats, retrieve the disgrace of the campaign in the Chesapeake, and cripple the naval and commercial resources, as well as the growing manufactures, of the United States. To use their own language, they mean to inflict on America a chastisement that will teach her that war is not to be declared against Great Britain with impunity. This is a very general sentiment in the nation, and that such are the opinions and intentions of the Ministry was strongly impressed on the mind of —— by a late conversation he had with Lord Castlereagh. Admiral Warren also told to Levett Harris, with whom he was intimate at St. Petersburg, that he was sorry to say that the instructions given to his successor on the American station were very different from those

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[1] "Received by Secretary of State subsequent to capture of Washington." Note by Mr. Gallatin.

under which he had acted, and that he apprehended that very serious injury would be inflicted on America. Knowing the species of warfare practised under him, and that he was blamed for the inefficiency and not on account of the nature of his operations, you may infer what is now intended. Without pretending to correct information respecting their plan of campaign, I think it probable that Washington and New York are the places the capture of which would most gratify the enemy, and that Norfolk, Baltimore, and the collected manufacturing establishments of the Brandywine and Rhode Island are also in danger. The ostensible object everywhere will be the destruction of the public naval magazines and arsenals, and of all the shipping, whether public or private; but heavy contributions, plunder, and whatever marks a predatory warfare must be expected, unless the ultimate object be to sever the Union, demand a cession of territory, &c., in which case the permanent occupation of New York or some other important tenable point will probably be attempted instead of mere destruction. Whatever may be the object and duration of the war, America must rely on her resources alone. From Europe no assistance can, for some time, be expected. British pride begins, indeed, to produce its usual effect. Seeds of dissension are not wanting. Russia and England may, at the approaching Congress of Vienna, be at variance on important subjects, particularly as relates to the aggrandizement of Austria. But questions of maritime rights are not yet attended to, and America is generally overlooked by the European sovereigns or viewed with suspicion. Above all, there is nowhere any navy in existence; and years of peace must elapse before the means of resisting with effect the sea power of Great Britain can again be created. In a word, Europe wants peace, and neither will nor can at this time make war against Great Britain. The friendly disposition of the Emperor of Russia, and a just view of the subject, make him sincerely desirous that peace should be restored to the United States. He may use his endeavors for that purpose; beyond that he will not go, and in that it is not probable he will succeed. I have also the most perfect conviction that, under the existing unpropitious circumstances of the world, America cannot, by a continuance of the war, compel

Great Britain to yield any of the maritime points in dispute, and particularly to agree to any satisfactory arrangement on the subject of impressment, and that the most favorable terms of peace that can be expected are the status ante bellum, and a postponement of the questions of blockade, impressment, and all other points which in time of European peace are not particularly injurious; but, with firmness and perseverance, those terms, though perhaps unattainable at this moment, will ultimately be obtained, provided you can stand the shock of this campaign, and provided the people will remain and show themselves united; this nation and government will be tired of a war without object, and which must become unpopular when the passions of the day will have subsided and the country sees clearly that America asks nothing from Great Britain. It is desirable that the negotiations of Ghent, if not productive of immediate peace, should at least afford satisfactory proof of this last point. I might have adduced several facts and collateral circumstances in support of the opinions contained in this letter, but you know I would not risk them on light grounds. You may rest assured of the general hostile spirit of this nation and of its wish to inflict serious injury on the United States; that no assistance can be expected from Europe; and that no better terms of peace will be obtained than the status ante bellum, &c., as above stated. I am less positive, though I fear not mistaken, with respect to the views of the Ministry, to the object of the armament, to the failure of the Emperor's interference, and to the consequent improbability of peace, even on those terms, before the conclusion of this year's campaign.

I have the honor to be, with great respect, your obedient servant.

GALLATIN TO THE EMPEROR ALEXANDER.[1]

If the British government sincerely wishes peace with America, it will not bring forward any new territorial or commercial

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[1] "Translation of an official note (in French) presented on the 19th June, 1814, to the Emperor of Russia by Albert Gallatin." Note by Mr. Gallatin.

pretension, and will confine itself to the discussion of the questions which gave rise to the war. That respecting impressment of seamen on board American vessels is the only one which presents any difficulty. The abstract right of America to employ British seamen, or of Great Britain to claim her own subjects, needs not, however, be discussed. Although she has weakened it by permitting them to migrate, and by naturalizing herself the seamen of other nations, the United States would agree not hereafter to employ, even on board their merchant vessels, any seaman subject of Great Britain. But America cannot assent to an arrangement acknowledging the right of England to do herself justice by force, by seizing on the high seas even her own seamen, on board of American vessels. Any arrangement founded on that basis and on a promise to repress abuses would ultimately leave the American vessels at the mercy of England, without giving to America any advantage she has not a right to enjoy without any condition on her part, since England, not claiming the right to seize American seamen, is already bound to prevent its being done by her officers.

With respect to the principle, England is allowed, when she is at war, to visit neutral vessels for the purpose of seizing merchandise either *belonging to her enemy*, or considered as contraband *destined for her enemy*, and soldiers or other *combatants in the service* of her enemy. But she never had before claimed the right of visiting or seizing, under the pretence of retaking what belonged to herself. If the right was conceded to her of seizing, on board vessels of other nations, the seamen she claims as belonging to her, she would equally have that of seizing merchandise claimed by her subjects as belonging to them, and there would no longer be any acknowledged line of demarcation which should prevent her from exercising an unlimited jurisdiction over the vessels of all other nations.

The great interest which the United States have that impressment should cease, and also to create a navy purely national, gives a certain pledge of their faithfully excluding British seamen from their service, if they can thereby obtain that Great Britain shall cease impressing seamen on board their vessels. England only suspending the exercise of her pretensions without renouncing

them, would be bound only so long as America faithfully fulfilled her engagement. It is, however, to be feared that, at this moment of irritation, the British government will not agree to this arrangement, against which there is another not publicly avowed motive of opposition. England, not losing her commerce when she is at war, always wants fifty thousand more seamen in war than when at peace. Far, therefore, from wishing that the United States should altogether exclude her seamen from their service, she wishes, on the contrary, that America would (as she might do it with ease) employ twenty thousand of them in time of peace, in order to claim them when at war, and thus to make the American navy subserve in a most efficient manner to the aggrandizement of her own maritime power.

Should the proposal of the United States be rejected, the only apparent means to make peace is a postponement of the discussion of that subject to a more favorable time. Maritime questions seem to fall with the war; and it is above all desirable that the *whole* civilized world may breathe and, without any exception, enjoy universal peace. But if the United States should derive no positive advantage from the war, they will at least terminate it without sacrifice and without dishonor. They would not assent to a peace requiring from them a cession of territory, restricting their commerce or rights to fisheries, or compelling them to recognize the pretensions of Great Britain on the subject of impressment or of the other disputed maritime questions.

Although the powerful armament, particularly of land forces, sent by England to America on the eve of opening the negotiations for peace may create a suspicion that she will not make it but on inadmissible terms, it is yet hoped that the United States may be indebted for that blessing to the liberator and pacifier of Europe; but should even the efforts of his Imperial Majesty to obtain that object prove fruitless, America will ever preserve a feeling recollection of this and of the several other proofs which his Majesty has given her of his friendly regard.

GALLATIN TO MONROE.

LONDON, 20th June, 1814.

SIR,—On the 11th instant I received a letter from Mr. Clay, dated at Gottenburg the 1st, and informing me that he would leave it on the next day and proceed by land to Ghent, leaving the corvette John Adams to take by sea Messrs. Adams and Russell, then at Stockholm, to some port in Holland. Of this I gave immediate information in a note addressed to Lord Castlereagh, and requested to know at what time the British commissioners might be expected at Ghent. On the 15th, Mr. Hamilton, Under-Secretary of State, wrote in answer a note to Mr. Erving, Mr. Beasley's agent, informing him that the British commissioners would leave London for Ghent on or about the 1st day of July, where it was presumed they would find the American commissioners assembled. This does not bespeak any wish to hasten the negotiations; but I must add that it has been reported to me that the instructions for their commissioners had been delayed till Lord Castlereagh's return: since which, and until the allied sovereigns will have departed, he cannot have time to attend to the subject. It is rather singular that Lord Liverpool, on being asked about six weeks ago whether it would not be preferable as tending to bring the negotiations to an immediate issue to remove their seat to London, answered in the negative. Yet the substitution of Ghent to Gottenburg will be highly beneficial in preventing delays, for it takes three weeks from the time of writing hence before an answer is received from the last place, even when your correspondent answers immediately. Even supposing that there be no design to protract the negotiations, it must be expected that new instructions will on some points be wanted by the British commissioners.

Mr. Harris and myself had, on the 17th, an audience from the Emperor of Russia. His friendly dispositions for the United States are unimpaired: he earnestly wishes that peace may be made between them and England; he regrets that his efforts with that view have been fruitless; but he does not give or seem to entertain any hope that he can on that subject be of

any service. I could not ascertain whether he had touched the subject since he had been here; only he said, "I have made two —three attempts." If three, the third must have been now. He added, "England will not admit a third party to interfere in her disputes with you. This is on account of your former relations to her (the colonial state), which is not yet forgotten." He also expressed his opinion that with respect to conditions of peace the difficulty would be with England, and not with us. On the whole, this conversation afforded no reason to alter the opinions expressed in my letter of 13th instant. I yesterday, with his permission, sent him a note, which I have not time to translate and put in cipher by this opportunity, but which contains nothing new to you, and which will not probably produce any effect.

I expect to leave this city to-morrow on my way to Ghent.

21st June. I had forgotten to mention that I had advised Mr. Harris, who was on his way to the United States, and received here the account of his being left as chargé d'affaires at St. Petersburg during Mr. Adams's absence, not to return there till after the Emperor's arrival here. He has been very useful, both on account of his intimacy and standing with the principal persons near the Emperor, who likes him, and in obtaining information from persons connected with the British Ministry. He leaves town this week on his way back to St. Petersburg.

GALLATIN TO R. G. BEASLEY.

GHENT, 26th July, 1814.

DEAR SIR,—Mr. Adams writes to you for the purpose of obtaining for the John Adams a passport similar in form to that granted for the Neptune; that is to say, expressing, if necessary, the object of the voyage, carrying of despatches, and without inserting on the face of the passport the implied condition of having neither cargo nor passengers; for which our

word, the character of the ship, and the captain's commission, afford sufficient security.

The passport granted to the Neptune is for carrying back to the United States Messrs. Bayard and Gallatin, with their suite. Mr. George M. Dallas and John P. Todd, having both come with me in the Neptune in the capacities of my secretaries as Minister of the United States, are therefore both embraced in the said passport. But, having no further occasion for their services, and the mission having been much protracted beyond our expectations, it is equally my wish and theirs that they should return home in the John Adams instead of waiting an indefinite length of time for the departure of the Neptune. Under those circumstances, and since they have already a general passport for another vessel, I presume that, whether the alteration in the passport of the John Adams be granted or not, there cannot and will not be any objection to granting special passports to those two gentlemen for taking their passage on board the last-mentioned vessel, the John Adams. I have therefore to request that you will make the application to the proper authority and send me the passports for them at the same time that you return that for the ship. It is proper to add that Mr. Dallas is to be the bearer of our despatches to our government.

In a confused report of a conversation in the House of Commons on the 20th instant, I see an intimation ascribed to Lord Castlereagh that the delay in the departure of the British commissioners for that place was owing to my remaining in Paris. This would have been no apology, since a majority of the American commissioners were assembled here on the 27th ult.; but the assertion, if made, was erroneous, and unjustly holds me out in that public manner to my government and country as the author of the delay. On the 9th of June I addressed a note to Lord Castlereagh informing him of the departure of Mr. Clay from Gottenburg; that Messrs. Adams and Russell were expected to follow immediately, and that Mr. Bayard and myself being ready at any moment to repair to Ghent, I wished to be informed of the time when the British commissioners might be expected there. On the 15th of June, Mr. Hamilton

wrote to Mr. Irving that he had the honor to inform him, in reference to Mr. Gallatin's note to Lord Castlereagh, that the British commissioners would leave London for Ghent on or about the first day of July, where it was presumed they would find the American commissioners assembled. I shaped my course in conformity with that information. Had the British government stated that their commissioners would proceed the next week, I should have done the same. They designated the first of July as the probable time of their commissioners' departure from London; and calculating the journey thence to this place would consume four or five days, I so arranged my own as to arrive here on the 6th of July. From that day I have with my colleagues waited with impatience for the arrival of the British commissioners. I wish you would find an opportunity to express to Mr. Hamilton my surprise, such being the facts, that Lord Castlereagh should have made an assertion calculated to do me a personal injury. I am not at liberty to bring those details before the public; but I request you to have the fact inserted in one of the newspapers that I arrived here on the 6th of July, and that a majority of the American commissioners had been here since the 27th of June.

MME. DE STAËL TO GALLATIN.

Ce 81 Juillet, 1814.
COPPET, SUISSE, PAYS DE VAUD.

Vous m'avez permis de vous demander si vous avez quelque succès heureux à espérer de votre mission. Mandez-moi à cet égard, my dear sir, tout ce qu'il vous est permis de me dire. Je suis inquiète d'un mot de Lord Castlereagh sur la durée de la guerre et je ne m'explique pas pourquoi il a dit qu'il était de l'intérêt de l'Angleterre que le Congrès de Vienne s'ouvrit plus tard. C'est vous, Amérique, qui m'intéresse avant tout maintenant, à part de mes affaires pécuniaires. Je vous trouve à présent les opprimés du parti de la liberté et je vois en vous la cause qui m'attachait à l'Angleterre il y a un an. On souhaite beau-

coup de vous voir à Genève et vous y trouverez la République telle que vous l'avez laissée, seulement elle est moins libérale car la mode est ainsi maintenant en Suisse. Aussi les vieux aristocrates se relèvent et se remettent à combattre, en oubliant, comme les géants de l'Arioste, qu'ils sont déjà morts. J'espère que la raison triomphera, et quand on vous connaît on trouve cette raison si spirituelle qu'elle semble la plus forte. Soyez pacifique cependant et sacrifiez aux circonstances. Vous devez vous ennuyer à Gand et je voudrais profiter pour causer avec vous de tout le temps que vous y perdez. Avez-vous quelques commissions à faire à Genève et voulez-vous me donner le plaisir de vous y être utile en quelque chose? Mille compliments empressés.

Vous savez que M. Sismondi vous a loué dans son discours à St. Pierre.

CRAWFORD TO GALLATIN.

PARIS, 4th August, 1814.

MY DEAR SIR,— * * * * * * *

From the general tenor of Mr. Monroe's letters I am very much afraid that they have not expected that so large a force would be sent out as I expect there has been. On the 6th of July, when Mr. Caraman sailed from New York, no fortified camp had been formed on Long Island. In all my letters to the government from November last, I endeavored to prepare them for the employment of the whole force which the enemy had employed on the Continent during the last year and the first months of the present. No such expectations, however, seem to be entertained. They had received yours and Mr. Bayard's communication, in which you suggested the probability of a change of the place of negotiation.

I learn by a private letter from Charleston that Mr. Chevès will not be a candidate at the next election for Congress, on account of his unpopularity. Colonel Dayton is stated to have resigned his commission on account of younger officers being promoted over him. The same letter speaks of Armstrong's

pretensions for the Presidency as likely to succeed unless you make peace, and that the popularity of the measure should be ascribed to Mr. Adams, in which event he would probably be successful. The writer is a young man, and rather disposed to indulge in very uncertain speculations of this nature. The letter, however, proves that these gentlemen have partisans in Charleston, and in the State of South Carolina.

This letter excepted, I have received no news but what is contained in the Intelligencer, which is the only paper I have received.

Present my respects to Mr. Dallas, and accept for yourself the assurance of my sincere regard.

P.S.—*Your friend* Mr. Warden has used your offer to assist him in returning to the United States as an evidence of your zeal in his favor, and has employed it as a mean of obtaining letters here to prop him up in the United States. General La Fayette has been much importuned by those whom he has contrived to enlist in his cause. It is through him that I learned the use he is making of your offer.

GALLATIN TO MONROE.

GHENT, 20th August, 1814.

SIR,—The negotiations at this place will have the result which I have anticipated. In one respect, however, I had been mistaken. I had supposed, whilst in England, that the British Ministry in continuing the war yielded to the popular sentiment, and were only desirous of giving some éclat to the termination of hostilities, and by predatory attacks of inflicting gratuitous injury on the United States. It appears now certain that they have more serious and dangerous objects in view. On these I will not dwell, as they are sufficiently explained by our public despatches, and will only observe that the capture of Moose Island, and the manner of taking possession, accord with the general scope of their demands here. But I beg leave to

advert to the effect which those views, now fully disclosed, may have on the manner of conducting the war.

The British will naturally attempt the conquest of what they wish to acquire by the peace. They will make great efforts in Canada with respect to the possession of Lakes Ontario and Erie, for the recapture of Detroit, and for the support of the Indians, so as to derive from the *status quo* some claim to what they already demand. And your attention will be naturally drawn to that quarter, and, amongst other objects, to a vigorous prosecution of the Indian war, which, by a total expulsion of the adjacent tribes, or by compelling them to make peace, will remove every pretext for what is now made a *sine qua non*, and, indeed, afford an opportunity to Great Britain to desist (without retracting) from that preliminary. It is not improbable that their warfare on our Atlantic shore will be on a smaller scale than I had conjectured, and may be confined to desultory attacks made successively on several points, for the purpose principally of distracting our defensive measures and of diverting a considerable part of our force from the points of real and serious attack. It appears to me most likely that their true and immediate object is New Orleans. They well know that it is our most distant and weakest point, and that if captured it could not be retaken without great difficulty. If successful in other quarters, there is no possession which, as a sugar colony, as a port in the Gulf of Mexico, and as commanding all our Western country both in a political and in a commercial view, they would be more desirous of holding. If less successful in Canada than they expect, New Orleans would be made a set-off, and its restitution to depend on our compliance with their demands in the North.

You will also perceive that they would hardly have any other object in view when they gave in their official note the formal intimation that if we did not now sign a treaty, Great Britain would not be precluded from the right of varying her demands according to the state of the war at the time of resuming the negotiations.

Finally, the expedition ready to sail under Lord Hill in the beginning of September cannot, it seems, considering the season

of the year, have any other object but Louisiana. It is evidently too late for Canada, and even for all our Northern coast. There is no apparent utility for them in an attack on Charleston or Georgia, and immense advantages to be derived from the conquest of New Orleans. It is not impossible that this last object may be connected with Florida, the cession of which by Spain to England is possible.

It is now evident that Great Britain intends to strengthen and aggrandize herself in North America. Knowing that that object would be fully disclosed by her proposals, and that these were inadmissible, it is not uncandid to suppose that her object in protracting the negotiations has been to delay their rupture to the very moment when her expedition under General Hill would be ready and must sail, in order to prevent, as far as practicable, our taking early alarm and making sufficient preparations to repel the attack.

It is highly probable that our struggle will be longer and more arduous than I had anticipated. I believe the other views I had given you respecting Europe to be correct. We cannot expect assistance from any quarter on our own account. An earlier renewal of war here than had been conjectured is not impossible, and would operate in our favor. It is an event which we cannot in any respect control, and of which, without relying on it, we must be ready to take advantage whenever it may happen.

Mr. Dallas is the bearer of our despatches. I have told him that I expected government would pay his expenses from this place to the Helder, and those of his passage and provisions on board the John Adams. He will accordingly state and transmit his account to you.

I do not expect that we can be detained more than two or three weeks longer, for the purpose either of closing the negotiation, of taking every other necessary step connected with it, and of making all the arrangements for our departure. In the hope of having the pleasure of seeing you again very soon, I have, &c.

I do not know to what the British commissioners allude in their note of yesterday, when they say that their government

has forborne to press certain points on which they had a right to insist, unless it be to a recognition of their assumed right of impressment.

GALLATIN TO MONROE.

GHENT, 26th October, 1814.

Our negotiations have been protracted longer than I had expected or than was desirable. The only advantage arising from it is that a change in Europe or a reverse of the British in America might alter their views and produce a peace; that whilst we continue here it may be made at any time, if any such contingency should happen, and that, considering distance and irritation, a renewal of negotiations once broken would be attended with much delay and difficulty, even if Great Britain became sincerely disposed to peace.

With respect to the Indian article, my only motive for assenting to it—and I believe that it was the same with my colleagues—was that having little hope of peace, I thought it much more favorable, with respect to public opinion in the eastern part of the Union, that we should break on other grounds, and particularly on that of territorial rights, than on that of Indian pacification. Considering that we may still be detained longer than we calculate, it seems important that you should immediately send us instructions on that subject and on the other points, either not heretofore contemplated, or which may require reconsideration. Permit me to mention some of them: 1st. We principally rest on the basis of *status ante bellum*. Would it be proper to break on the point of trading with the Indians granted to the British by the treaty of 1794? The non-renewal by our present instructions is a sine qua non. 2d. The right of preserving our naval force on the Lakes to any extent we please is also a sine qua non by our instructions. Supposing the British to propose a mutual restriction in that respect, either partial or total, should we still adhere to the sine qua non? 3d. After the declaration of the British respecting fisheries, are we to insist on our rights as defined by the treaty of 1783 being

renewed, or rest on our construction of that treaty? My idea was to make a similar declaration on our part respecting the British privilege of navigating the Mississippi, derived from the same treaty, and to let both be renewed or fall together. 4th. Is it indispensable, if we should agree to the northwestern boundary from the Lake of the Woods to the Mississippi, to provide for the northern boundary of Louisiana, or to insert a proviso that the article shall not affect said boundary? or may we safely rest on our right to the country without referring to it? If we fix a boundary for Louisiana, what should it be? In giving instructions on that point, I think that the ultimatum should be a line including all the waters of the Mississippi and Missouri. 5th. If Great Britain should agree to a mutual restoration of territory everywhere, with the single exception of the settlement on Columbia River, what must we do? And generally, what should be our conduct and claims respecting the country between the Rocky Mountains and the Pacific Ocean? 6th. With respect to Maine, I believe the British will insist on the islands in the Passamaquoddy Bay as of right belonging to them. We have no documents to rebut their claim. May we agree to the appointment of commissioners to decide on the claim? How should they be constituted? and must we, in that case, insist on the restitution of the islands till the question is settled? 7th. The British also want in the same district the country watered by St. John's River, which forms the northern part of said district. In case that, as already suggested, they should insist that there is uncertainty in the line, can we likewise agree to the appointment of commissioners? If they propose an exchange, how far can we agree to it? My reason for putting this last query is, that although Massachusetts has taken possession of the whole country, she has no claim to any part of the territory north of 45 degrees of north latitude and east of the Penobscot or Kennebec River (I do not recollect which). That territory of right belongs to the Union, as acquired by the treaty of 1783. Yet, considering the undisturbed possession by Massachusetts, it would be a delicate question to exchange without her consent, even for a fair equivalent. 8th. If a maritime war should

be renewed in Europe, what must we do on the subject of impressment?

We have certainly no means of giving you information on the points of attack contemplated by the British. Their conduct in occupying the country east of Penobscot requires no comment. I still believe that their principal object is Louisiana. If strong enough, they may also occupy the Southern ports, from St. Mary's as far north as they can, for the double purpose of obtaining cotton and of having territory in their hands for which to ask equivalents when making peace. The defence of New Orleans, the repossession of the country east of Penobscot, the subjugation and pacification of the Indians, and the conquest of enough in Canada to have also something to restore, appear important objects with a view to the terms of peace.

No loan can be obtained in Europe, and our financial resources will be deficient. I will, without apology, state the principles on which it seems to me that we can go with least inconvenience. Difficulties and objections in any plan you must expect. 1st. To carry the revenue to the greatest extent which the people will bear. Indirect internal taxes to be preferred. 2d. To limit the nominal loans to the extent which can be obtained, and to be previously ascertained as far as practicable, and not to borrow stock at a rate exceeding in any shape 8 per cent. 3d. To apply exclusively the moneys arising from those two sources—loans and revenue—to the payments of the civil list, interest of public debt, and pay and support of the regular army and navy, and of the militia employed in offensive operations. The essential objects must be first provided for, and some distinct line drawn between what you will pay in money or provide for otherwise. 4th. Not to increase the amount of Treasury notes receivable in payment of taxes and payable one year after date, but, in order to supply deficiencies, to issue notes payable also to bearer, but not receivable in taxes, and reimbursable at a longer period, if possible one year after peace, and having such an interest—from six to eight per cent.—as will prevent too great a depreciation. These may, if the war continues, be funded in part annually, when a loan is opened. 5th. To

authorize the States, within such limitations as may be thought proper, to raise State troops for self-defence, which, as well as the militia called for defensive purposes, should be paid and supported by the States respectively, the United States reimbursing ultimately the expense by stock or by instalments after the war, or in any other mode which may be devised. States not providing as aforesaid would be left by their neglect without sufficient defence. 6th. If the preceding suggestion is not adopted, a superabundant issue of paper will take place, which I fear will be fatal. Still, in that case the notes bearing interest, or stock by loans on bad terms, appear preferable to paper money, so called. In case States be not resorted to, will not a local force, as I had formerly proposed, be more efficient and cheaper than large and sudden calls of militia? My plan was to raise men for local defence, to be trained and kept encamped or in forts by turns, say one-fourth part at a time, to be liable to be called as minute-men in service whenever required, and to be paid only when in actual service. But I perceive that my zeal carries me out of my sphere. I had left a plan for a bank; also that of making lands instrumental in procuring loans, by way of lottery. I think the last scheme might be useful. But it may be too late for a bank, and subscribers may not perhaps be obtained. Of that those on the spot must judge. With my conjectures on European affairs I will not trouble you. I do not think that the British are apprehensive of a renewal of the war. They are hated everywhere, and I think that we begin to grow popular. We are certainly so here, and the destruction of the public buildings at Washington has produced a considerable sensation against England, though its capture, and without sufficient defence, has been injurious to the opinion entertained of our strength or abilities. We have ordered the Neptune to Brest; we will join her by land, and whence we may sail with more convenience at an advanced or early season. Antwerp is also liable to be frozen up.

GALLATIN TO THE SECRETARY OF THE TREASURY.

GHENT, 24th December, 1814.

SIR,—Our bankers at Amsterdam informed me at the beginning of November that no remittances for the payment of the dividend due 1st January next at Amsterdam on the Louisiana stock had yet reached them. To my inquiry whether they would advance the money in case the remittances did not arrive in time, they answered in the negative, and complained that they were already 280,000 guilders in advance for the diplomatic fund. I then wrote to Messrs. Baring to ascertain whether they had received remittances, and, in case they had not, how far they and their friends, the house of Hope, at Amsterdam, might be disposed to advance the money. Mr. A. Baring wrote me on the same subject before the receipt of my letter. Finding he hesitated, I applied to Mr. Iselin, of the house of Le Roy, Bayard & M. Evans, of New York, to make the necessary advance. He offered to advance 200,000 guilders, at 46 cents per guilder; and I was on the point of proposing to him, instead of 46 cents, the rate of exchange that might exist in America at the time of his being paid there by the Treasury, when I received a letter from Mr. Baring informing me that he would make the necessary advances in Amsterdam. I send copies of his letters, by which you will perceive the necessity of further remittances to him. You will owe him 400,000 guilders advanced in Holland, and a large sum for seamen and prisoners. When these are released, their support till shipped will be still more expensive than their allowance whilst in prison.

P.S.—The Amsterdam bankers are also very anxious to be reimbursed of their advances on account of the diplomatic fund.

GALLATIN TO MONROE.

GHENT, December 25, 1814.

SIR,—The treaty of peace we signed yesterday with the British ministers is, in my opinion, as favorable as could be expected under existing circumstances, so far as they were known to us. The attitude taken by the State of Massachusetts, and the appearances in some of the neighboring States, had a most unfavorable effect. Of the probable result of the congress at Vienna we had no correct information. The views of all the European powers were precisely known from day to day to the British Ministry. From neither of them did we in any shape receive any intimation of their intentions, of the general prospect of Europe, or of the interest they took in our contest with Great Britain. I have some reason to believe that all of them were desirous that it might continue. They did not intend to assist us; they appeared indifferent about our difficulties; but they rejoiced at anything which might occupy and eventually weaken our enemy. The manner in which the campaign has terminated, the evidence afforded by its events of our ability to resist alone the now very formidable military power of England, and our having been able, without any foreign assistance, and after she had made such an effort, to obtain peace on equal terms, will raise our character and consequence in Europe. This, joined with the naval victories and the belief that we alone can fight the English on their element, will make us to be courted as much as we have been neglected by foreign governments. As to the people of Europe, public opinion was most decidedly in our favor. I anticipate a settlement with Spain on our own terms, and the immediate chastisement of the Algerines. Permit me to suggest the propriety of despatching a squadron for that purpose without losing a single moment. I have little to add to our public despatch on the subject of the terms of the treaty. I really think that there is nothing but nominal in the Indian article as adopted. With respect to precedents, you will find two, though neither is altogether in point, viz.: the article of the Treaty of Utrecht, and the latter part of the article of our

treaty with Spain. You know that there was no alternative between breaking off the negotiations and accepting the article, and that we accepted it only as provisional and subject to your approbation or rejection. The exception of Moose Island from the general restoration of territory is the only point on which it is possible that we might have obtained an alteration if we had adhered to our opposition to it. The British government had long fluctuated on the question of peace: a favorable account from Vienna, the report of some success in the Gulf of Mexico, or any other incident, *might* produce a change in their disposition; they had already, after the question had been referred to them, declared that they could not consent to a relinquishment of that point. We thought it too hazardous to risk the peace on the question of the temporary possession of that small island, since the question of title was fully reserved, and it was therefore no cession of territory. On the subject of the fisheries within the jurisdiction of Great Britain, we have certainly done all that could be done. If, according to the construction of the treaty of 1783, which we assumed, the right was not abrogated by the war, it remains entire, since we most explicitly refused to renounce it directly or indirectly. In that case it is only an unsettled subject of difference between the two countries. If the right must be considered as abrogated by the war, we cannot regain it without an equivalent. We had none to give but the recognition of their right to navigate the Mississippi, and we offered it on this last supposition. This right is also lost to them, and in a general point of view we have certainly lost nothing. But we have done all that was practicable in support of the right to those fisheries, 1, by the ground we assumed respecting the construction of the treaty of 1783; 2, by the offer to recognize the British right to the navigation of the Mississippi; 3, by refusing to accept from Great Britain both her implied renunciation to the right of that navigation and the convenient boundary of 49 degrees for the whole extent of our and her territories west of the Lake of the Woods, rather than to make an implied renunciation on our own part to the right of America to those particular fisheries. I believe that Great Britain is very desirous of obtaining the northern part of Maine, say from

about 47 north latitude to the northern extremity of that district as claimed by us. They hope that the river which empties into Bay des Chaleurs, in the Gulf of St. Lawrence, has its source so far west as to intervene between the head-waters of the river St. John and those of the streams emptying into the river St. Lawrence: so that the line north from the source of the river St. Croix will first strike the heights of land which divide the waters emptying into the Atlantic Ocean (river St. John's) from those emptying into the Gulf of St. Lawrence (River des Chaleurs), and afterwards the heights of land which divide the waters emptying into the Gulf of St. Lawrence (River des Chaleurs) from those emptying into the river St. Lawrence; but that the said line never can, in the words of the treaty, strike any spot of land actually dividing the waters emptying into the Atlantic Ocean from those which fall into the river St. Lawrence. Such will be the foundation of their disputing our claim to the northern part of that territory; but, feeling that it is not very solid, I am apt to think that they will be disposed to offer the whole of Passamaquoddy Bay and the disputed fisheries as an equivalent for this portion of northern territory, which they want in order to connect New Brunswick and Quebec. This may account for their tenacity with respect to the temporary possession of Moose Island, and for their refusing to accept the recognition of their right to the navigation of the Mississippi, provided they recognized ours to the fisheries. That northern territory is of no importance to us, and belongs to the United States, and not to Massachusetts, which has not the shadow of a claim to any land north of 45 to the eastward of the Penobscot River, as you may easily convince yourself of by recurring to her charters.

JEFFERSON TO GALLATIN.

MONTICELLO, March 19, 1815.

DEAR SIR,—This letter will be presented to you by Mr. George Ticknor, a young gentleman of Boston. He favored me with a visit here, and brought high recommendations from

Mr. Adams and others, and, during a stay of several days with us, I found he merited everything which had been said of him. He has been excellently educated, is learned, industrious, eager after knowledge, and, as far as his stay with us could enable us to judge, he is amiable, modest, and correct in his deportment. He had prepared himself for the bar, but before engaging in business he proposes to pass two or three years in Europe, to see and to learn what can be seen and learnt there. Should he on his return enter the political line, he will go far in that career. Every American considers his minister at Paris as his natural patron; but, knowing how acceptable it is in your station to be informed who are worthy of your particular attentions, I write this letter for your sake as well as his. I had given him one to Mr. Crawford, not then knowing your appointment. I sincerely congratulate you on it, knowing you will do much good there, as you would have done here also had you returned. How much have we wanted you! In fighting we have done well. We have good officers at length coming forward from the mass, who would soon have planted our standard on the walls of Quebec and Halifax. Our men were always good, and, after the affair of New Orleans, theirs would never have faced ours again. And it is long since they have ceased to trust their frigates to sail alone. But in finance we have suffered cruelly. With a revenue which all acknowledge will bring us in 35 millions this year, we are begging daily bread at the doors of our bankrupt banks. But this letter is not for public subjects. I shall write to you soon; glad you are there, wishing for you here, knowing your value everywhere, and being everywhere and always your affectionate friend.

CRAWFORD TO GALLATIN.

PARIS, 5th April, 1815.

DEAR SIR,—On the 3d instant I had an interview with the Duke of Vicence, the result of which convinces me that the Imperial government has no intention at this time to do anything in relation to the spoliations committed upon American com-

merce. At the close of the conversation I communicated to him my intention of returning to the United States in the course of the present or succeeding month. In the letter of the Secretary of State communicating the consent of the President to my returning home in the spring, I was directed to appoint Mr. Jackson chargé des affaires, unless he should wish to return with me, in which event Mr. Purviance was to be selected. As the latter gentleman has returned to the United States, the alternative between the two is taken away.

I have this day seen a letter from Mr. Beasley to Mr. Adams, in which it is stated that you are appointed Minister to France. Your presence, I should imagine, has entirely superseded my instructions in this case. Although it is probable that your letters of credence are directed to Louis the Eighteenth, yet I suppose you can appoint a chargé d'affaires with as much propriety as I could have done had your appointment remained unknown to me. If, however, you think there might be any obstacle to your adopting this or any other course for the purpose of having the interests of the nation attended to until other letters of credence can be obtained, I will, under your instructions or by your advice, appoint Mr. Jackson chargé d'affaires, according to the original views of the State Department. Without such advice or instructions I shall do nothing in the case.

I suppose you will not, under existing circumstances, return in the Neptune. In this event, if I can get ready in time, I think of occupying your place on board that vessel, as it is wholly uncertain whether any American vessel will sail to Savannah or Charleston before the sickly season commences in those places. I suppose my return in her will not incommode the other gentlemen. If it should, I will not think of it, as I have no claim to a passage in her.

I am sorry that Mr. Beasley has been so laconic in his communication. I should like to know the interesting news alluded to, unless the appointments mentioned in it should be that news. We have received no English newspapers of later date than the 25th ult., and suppose we shall not receive any more of them.

With great respect, I am your most obedient and very humble servant.

P.S.—An early answer will be necessary, especially if you wish me to do anything in relation to the chargé des affaires. Mr. Bayard is improving, but very slowly. The Duchesse d'Angoulême succeeded at Bordeaux in making her volunteers fire on the troops of the line on their approach to the city. The fire was not returned, and her Royal Highness has embarked. The insurgents (they are now called so) of the south are more resolute and more numerous than those of Bordeaux. Grouchy is in march at the head of a considerable corps of troops to put a stop to their further operations.

GALLATIN TO MADISON.

NEW YORK, 4th September, 1815.

DEAR SIR,—I have sent by Mr. Cutts the convention for regulating the commercial intercourse with Great Britain, and will write on that subject to the Secretary of State. I will only say that the British government appeared rather desirous to have made no arrangement and to have kept the whole intercourse to be controlled by their own municipal regulations, which they thought we could not counteract. The convention, such as it is, must, so far as relates to them, be considered as an evidence of friendly disposition. The campaign of 1814 had made us respected and gave us peace. Their antipathy and prejudices in other respects have been modified; and although their pride has, if that was possible, been increased by the late events in Europe, they will, I think, be disposed to preserve friendly relations with us, and, at all events, avoid a rupture. There had not, to my knowledge, been any case of impressment in the British ports since the commencement of the late hostilities. . . .

I received the account of my appointment to France with pleasure and gratitude, as an evidence of your undiminished friendship and of public satisfaction for my services. Whether

I can or will accept I have not yet determined. The season will be far advanced for taking Mrs. G. across the Atlantic, and I have had no time to ascertain what arrangement, if any, I can make for my children and private business during a second absence. The delay has been rather advantageous to the public, as it was best to have no minister at Paris during the late events.

Mrs. G., with her best compliments, congratulates Mrs. M. on her son's return; and I am, with the most sincere attachment and respect, truly yours.

I enclose a letter from La Fayette. When do you expect to be at Washington?

GALLATIN TO JEFFERSON.

New York, September 6, 1815.

Dear Sir,—I enclose two letters from Europe, one from La Fayette, who desired that I should bear witness to his constant endeavors, under all circumstances, in support of the cause of liberty, and to his undiminished affection for his American friends, and particularly for yourself. I was much gratified by the receipt of your kind letter of March last, brought by Mr. Ticknor. Your usual partiality to me is evinced by the belief that our finances might have been better directed if I had remained in the Treasury. But I always thought that our war expenses were so great, perhaps necessarily so, in proportion to the ordinary resources of the country, and the opposition of the moneyed men so inveterate, that it was impossible to avoid falling into a paper system if the war should be much longer protracted. I only regret that specie payments were not resumed on the return of peace. Whatever difficulties may be in the way, they cannot be insuperable provided the object be immediately attended to. If delayed, private interest will operate here as in England, and lay us under the curse of a depreciated and fluctuating currency. In every other respect I must acknowledge that the war has been useful. The character of America stands now as high as ever on the European Continent, and higher than ever it did

in Great Britain. I may say that we are favorites everywhere, except at courts; and even there, although the Emperor of Russia is perhaps the only sovereign who likes us, we are generally respected, and considered as the nation designed to check the naval despotism of England.

France, which alone can have a navy, will, under her present dynasty, be for some years a vassal of her great rival; and the mission with which I have been honored is, in a political view, unimportant. The revolution has not, however, been altogether useless. There is a visible improvement in the agriculture of the country and the situation of the peasantry. The new generation belonging to that class, freed from the petty despotism of nobles and priests, and made more easy in their circumstances by the abolition of tithes and by the equalization of taxes, have acquired an independent spirit, and are far superior to their fathers in intellect and information. They are not republicans, and are still too much dazzled by military glory; but I think that no monarch or ex-nobles can hereafter oppress them long with impunity.

Accept, my dear sir, the assurance of my constant and grateful attachment and respect.

Your obedient servant.

MADISON TO GALLATIN.

MONTPELIER, September 11, 1815.

DEAR SIR,—I have just received your favor of the 4th. I congratulate yourself and Mrs. Gallatin on your safe arrival and under circumstances which must console her so much for your prolonged absence. . . .

It was not much to be expected that the British government, on the pinnacle of its elevation, would look with solicitude on her relations to the United States. The convention is a proof, however, that she does not wish the sort of conflict which her countervailing duties would be likely to produce. And as it is certainly not our wish, the equalizing stipulation on the subject is valuable to both parties. The footing on which the East

India trade is put fulfils the reasonable expectations of the public here. It would have been well, I believe, for both parties if a good arrangement had taken place on the subject of the West India trade; but this was promised neither by experience nor by the circumstances of the moment. The want of reciprocity in that trade whilst Great Britain permits her own vessels to come to our ports, will be more and more felt, particularly by the Eastern States, and will sooner or later produce invitations to the other States to concur in counteracting regulations. I retain my opinion that effectual ones might be adopted without incurring any very sensible inconvenience to our commerce, much less any risk to the peace between the two countries. But our present situation dissuades from experiments which are not urgent, and it may be hoped that before the convention expires the amity it secures may bring about an adjustment not only of that but of other points waived for the present. What are probably the views of the British Cabinet with respect to the fisheries, &c., within the marine league? Was it understood distinctly at Ghent that the restoration of the mouth of Columbia was included in the general article, and is it probable that orders have been sent thither from Great Britain to that effect?

I am not aware of any considerations that press for your decision as to the mission to Paris without the deliberation due to your private affairs. Mrs. M. returns her congratulations to Mrs. Gallatin with her affectionate respects. I beg leave to add mine to the assurances of my great esteem and cordial regards for yourself.

GALLATIN TO RICHARD BACHE.

GREENWICH, 24th September, 1815.

DEAR SIR,—I have this moment received your letter of yesterday, and the mail will close in a few minutes. I am more gratified by the mark of confidence given me by the Republican conferees of the Philadelphia district than I can express. But I cannot serve them in the station with which they would honor me. My property is not half sufficient to

support me anywhere but in the Western country. To my private business and to making arrangements for entering into some active business I must necessarily and immediately attend. It is a duty I owe to my family. Return my sincere thanks and make my apology to the conferees, and believe me, &c.

GALLATIN TO A. J. DALLAS, SECRETARY OF TREASURY.

NEW YORK, 25th September, 1815.

SIR,—I had the honor to receive your letter of 22d instant, asking for information respecting the state of the circulating medium of Russia. The specie or silver ruble contains 282½ troy grains of pure silver, and is worth about 76 cents money of the United States. But paper rubles (called bank paper) are the legal and only currency of Russia. I believe that all payments and purchases are made exclusively in that paper; and it is the only money of account. By ukase dated a short time after the Treaty of Tilsit, its value was fixed at the rate of four paper for one silver ruble. The legal value of the paper ruble or ruble of account is therefore about 19 cents money of the United States. From the date of that ukase till as late at least as last winter, the market price of silver in paper rubles has differed but little from that fixed by law. Even during the French war, and whilst they were at Moscow, there was [no] sensible depreciation in the paper currency. Still, there are some fluctuations, which are regularly quoted twice a week on exchange days, and may, I presume, be obtained from almost every merchant who has correspondents in Russia. Whilst I was there—from July, 1813, to the latter end of January, 1814—those fluctuations were from 396 to 408 paper for 100 silver rubles. I heard, however, in June last, whilst in London, that the paper currency had suddenly depreciated to the rate of five paper for one silver ruble. For this I cannot vouch, nor is it probable that such event, although it might instantaneously affect the rate of foreign exchanges, would have any immediate sensible effect on the price, in paper, of Russian commodities. Such an effect must

necessarily be ultimately produced wherever there is a depreciated paper currency; but it is slow and progressive. I do not believe that the similar depreciation in English bank paper (or, as it is called now, the rise in the price of silver), which took place on the last entrance of Bonaparte in Paris, and which lasted till its capitulation to the allies, say the months of April, May, and June, had any material effect on the prices of English manufactures. The Treasury of the United States did not certainly alter on that account the mode of computing duties on British importations. The rate of exchange between St. Petersburg and London varies so much that it affords a very uncertain criterion for estimating the real value either of the respective currencies or of the merchandise exported from Russia. Payments being made in both countries in depreciated and fluctuating paper currencies, and St. Petersburg being at all times so remote, and inaccessible six months in the year, the equilibrium cannot be restored at once by shipments of specie, as is the case in the intercourse between England, Holland, and France. The exchange had been as high as 20 pence sterling per paper ruble during the winter 1812–1813. Whilst I was in Russia it varied from 16 to 13¼ pence sterling per ruble. And during the whole of that time there was no material variation in the relative value of silver to that of either British or Russian paper currency. The differences in the rate of exchange seem to be owing exclusively to the amount of bills at market and to the demand for them, and both these vary not only according to the commercial balance of trade, but are in a great degree connected with the operations of government, which has on one hand troops to supply abroad, and receives on the other subsidies from Great Britain. Yet importing and exporting merchants at St. Petersburg, as well as those in foreign countries who trade with that place, value the paper ruble, from the manner in which they obtain and dispose of their funds, at the price which it costs them or at which they can sell it in bills on England. It may not be improper to observe, in relation to Mr. Robert's importation, that supposing his statement to be correct, viz., that the paper ruble was at the rate of five paper for one silver ruble, and that the exchange on London was at 10½ pence

sterling per paper ruble, the mode of computing duties heretofore adopted at the Treasury will not place him on a worse footing than importers from England, if the value of specie be taken as the standard. I do not recollect the precise price of silver in England in May last, but it did not differ 2 per cent. from the rate of exchange on Holland, taking 11 guilders and 2 stivers for the par. If there was any difference, it was in favor of silver. The exchange was then, at most, 8 guilders and 19 stivers, equal to 3 dollars 58 cents per pound sterling, which makes 10½ pence sterling equal to 15 cents and $\frac{6}{10}$. And the paper ruble, valued at five for one, is worth 15 cents and $\frac{2}{10}$.

It is true that silver, though not a perfect, and there can be none, is the best and in fact the only common standard by which to ascertain the value both of paper currencies and of merchandise of different countries. But where the depreciation is neither acknowledged nor considerable, and varies from day to day, as is the case with English currency, it would be an endless task, if at all practicable, to reduce every invoice and to calculate the duties according to the silver value, for the time being, of that currency. It was not, therefore, attempted here, and no complaint was made, although the same duty was raised on the article which cost 23½ francs specie in France, and on that which cost one pound sterling bank paper in England, at a time when that pound was only worth 18 francs. When the question was raised respecting the manner of calculating duties on importations from Russia, neither the legal value of the paper ruble nor the steadiness for a number of years of its market value were correctly known at the Treasury; and the mode of calculating according to the rate of exchange on England was adopted on the ground of placing importations from those two countries on the same footing. That principle appeared more just and practicable than an attempt to ascertain the specie value of the ruble, because paper was the currency of both countries, and because the great mass of goods on which duties ad valorem were imposed was imported from England. If it shall be thought proper to alter that mode, it may be done in two ways: either to take the legal value of the paper ruble at the rate of 4 for 1, which will give the constant value of that ruble equal to 19 cents, and is

the rule applied to importations from England, the pound sterling being always estimated here at its legal value, equivalent to 4 dollars and 44 cents; and to ascertain for each importation the relative value of the paper to the silver ruble. But in this last case it would be consistent to adopt the same principle with respect to importations from England, and, indeed, from every other country which has a paper currency.

I have, &c.

GALLATIN TO JAMES H. BLAKE.

WASHINGTON CITY, November 6, 1815.

SIR,—I request you to return my thanks to the corporation of the city of Washington for the favorable opinion they entertain of the manner in which the duties enjoined on the ministers employed in negotiating peace with Great Britain have been performed, and for the honor done me by the adoption of the resolution which you have transmitted to me.

I embrace with pleasure this opportunity to express my grateful sense of the civilities and kindness which, during my residence in this city, I have uniformly experienced from its inhabitants; and, praying you to accept my sincere wishes for their prosperity and for your personal happiness, I have the honor to be, with respectful consideration,

Your obedient servant.

GALLATIN TO MADISON.

NEW YORK, 23d November, 1815.

DEAR SIR,—I have ultimately decided not to go to France, and write this day accordingly to the Secretary of State. I am fully sensible of the efforts you made to keep me in the Treasury, of the unpleasant situation in which my absence and that effort placed you, as well as of the friendly motives which, combined with your view of public utility, induced you to give me this

last proof of your high regard and confidence. I feel truly grateful for every part of your conduct towards me before and since you were President, and I would have wished to have been able to evince my sense of it by a cheerful and thankful acceptance of the honorable office to which you had appointed me. But every consideration connected with private prudence and regard to my family forbids my doing it; and, considering the present depressed situation of France, no motive of public utility urges a contrary determination, even if, under other circumstances, my services could have been deemed useful at that court. As regards myself, I will briefly state that the compensation allowed to foreign ministers is incompetent to the support of a minister at Paris in the style in which he is expected to live, and which it is of some importance for the country that he should maintain; that my private resources are too scanty to supply the deficiency without making sacrifices which would leave my family at my death dependent on others; that, supposing I could barely exist there for a few years, I would return with children having acquired expensive and foreign habits and lost the opportunities of entering into the active pursuits by which they must support themselves, and myself too old to assist and too poor to support them; and that a residence in France will at this time, both in a public and private view, be irksome and unpleasant to an American minister, affording no compensation for the sacrifices it would require. But I must add that these sacrifices would without hesitation have been made if the mission had in view any important and attainable object of public utility. This not being at all the case, I have supposed myself at liberty to listen to motives of private and prudential consideration, and, perceiving no probability that my present views of the subject would be changed, I have thought it fair not to keep it any longer in suspense, and to decline the appointment before the meeting of Congress.

I have heard with concern the report of the cession of Florida to England. In the present situation of Europe it is only from that country that we have to apprehend any foreign collision. I still hope that the report is unfounded, and that peace being secured, at least for some years, your labors and those of the

other public functionaries may be exclusively and successfully applied to the arrangement of our internal concerns.

Mrs. Gallatin requests to be affectionately remembered to Mrs. Madison. We are all well; and after spending this winter with Mrs. G.'s friends, it is our present intention to retire in the spring to our home on the Monongahela.

With most sincere wishes for your personal happiness, and great respect, I remain your affectionate and obedient servant.

GALLATIN TO MONROE.

NEW YORK, 23d November, 1815.

After giving to the subject all the consideration due to it, I find it necessary to decline accepting the appointment of minister of the United States to the Court of France, which the President had been pleased to bestow on me. In making this communication to him, permit me to request that you will express my grateful thanks for this distinguished proof of his approbation, as well as for the other marks of confidence and of friendship with which he has ever honored me. With my most sincere wishes that your and his unremitted efforts for promoting the interests and welfare of the United States may meet with all the success they merit, I have the honor to be, respectfully, sir, your most obedient servant.

GALLATIN TO CLAY.

NEW YORK, 23d November, 1815.

DEAR SIR,—My accounts being settled and in the Register's office, you will be able to ascertain the principles which have been adopted. Compensation has been allowed to the 22d of July, the day of departure from England, and an allowance made for the travelling expenses incident to the removal of the seats of negotiation. This, in my case, has been for travelling

from St. Petersburg to London and thence to Ghent, and from Ghent to London. I presume that in yours the allowance will be from Gottenburg to Ghent, and from Ghent to London. You have in addition your extraordinary expenses at Gottenburg. It did not appear to me that a charge could be made for the extra expenses in London.

You must have received a letter from the Treasury similar to that written to me respecting duties on our baggage. I have not answered mine, wishing first to know what you intend to do. I brought nothing but effects coming under the description of wearing-apparel, books, and furniture (including some plate and glass) to a very moderate amount, all for my use and that of my family, and all such as, when imported by a minister returning from a foreign mission, have by uniform practice been considered as exempt from duty, although many, if imported by a private individual, would have paid duty. The Secretary of the Treasury is under a mistake in his inference from two letters, copies of which he enclosed to me, that either an inventory (meaning thereby an invoice or detailed specification of the articles contained in each package) has ever been required from any minister, or that the question has ever been left to the collector to decide which of such articles were liable to or exempt from duty. In both the cases referred to in the letters above mentioned (Messrs. King and Erving), the collector is required to deliver the baggage without requiring duty, and nothing is left to his discretion; and the inventory alluded to in the letter respecting Mr. Erving, which was furnished by him, not required from him, was used for the purpose not of authorizing or enabling the collector to distinguish what articles might be liable to duty, but of enabling him to distinguish Mr. Erving's baggage from other packages imported in the same ship, the said baggage not having been brought in the same vessel in which he had returned home.

In every case referred to the Treasury, whilst I was Secretary, the order thus to deliver the baggage was, subsequent to Mr. King's case, given as a matter of course. But I believe that in most cases the collectors, knowing the practice, delivered the baggage without difficulty and without reference to the Treas-

ury. The first reference was on Mr. King's return; he had much baggage, and it was the first case in that port since Mr. Gelston was collector. I knew the practice, although I could not find the instructions on record. They must, however, have been given, perhaps in private letters not recorded, or they may have escaped the research of the clerk. The easiest way to ascertain the fact beyond dispute was by applying to Mr. Jefferson for information, as he was the first minister who had returned from a foreign mission under the present government. He informed me that his baggage, which was valuable and contained at least as many articles, which if imported by individuals would have paid duty, as those belonging to subsequent ministers, had paid no duty, and that this was, as far as he knew, the constant rule. This case had, in fact, established the rule. I wrote accordingly to the collector of New York the letter respecting Mr. King's baggage. Such as has afterwards arrived in the same port under similar circumstances has been delivered without hesitation on reference to the Treasury. This was the case with respect to the baggage of Mr. Livingston, of Mr. Armstrong, (I believe of Mr. Barlow,) and lately of Mr. Crawford, which came in the Hesper from Havre. Whether on the return of Messrs. Monroe, William Pinkney, Charles Pinckney, and Bowdoin, the baggage was delivered by the respective collectors without reference to the Treasury, or upon an order from the Treasury, I cannot positively say, although I have some recollection of an application, verbal or written, in the case of Mr. W. Pinkney. But I can assert that the rule was uniform, and the order given at once whenever the case was referred to the Treasury. If a new rule be established, ought it not to be prospective? or, if retrospective on the assumed ground of error [or] reconsideration, should it not be general and embrace every case from Mr. Jefferson downwards, instead of being confined to a single case, nay, to a single vessel? for no question is asked respecting Mr. Crawford's subsequent importation of baggage in the Hesper, Mr. Erving in another vessel, or even ours, if any, in the Lorenzo. To this long detail I will only add that, according to practice, the error in the case of the Neptune was not the order to deliver to the ministers their baggage free of

duty, but to have considered all the baggage and other articles on board the vessel as if belonging to the ministers and being exempt from duty. Upon the whole, have the goodness to let [me] know what you intend to do, and the final decision of the Secretary of the Treasury, to whom you may communicate this letter,—a course preferable in my situation to a more formal answer to his letter to me. Present Mrs. Gallatin's and my respects to Mrs. Clay, and believe me, truly and respectfully, your obedient servant.

GALLATIN TO MONROE.

NEW YORK, 25th November, 1815.

SIR,—Whilst last at Washington I communicated some observations connected with the late commercial convention with Great Britain, which, in conformity with your suggestion, I will now reduce to writing.

The last instructions given on that subject to which we were generally referred were those of 20th May, 1807. We had, in addition, the Act passed by Congress during their last session, subsequent to the ratification of the treaty of peace, by which a general and reciprocal abolition of all discriminating duties was proposed. Considering, therefore, this last object as that which by our country was considered most important and desirable in our relations with foreign nations, we offered in our note of 24th June to the British plenipotentiaries to agree to an arrangement confined to that object alone. But we refused to accede to their proposal (as contained in their note of the 23d) to omit altogether the article respecting India, and to sign a convention embracing not only the abolition of discriminating duties, but also all the other provisions respecting the intercourse between the United States and the British territories in Europe, contained in the article then and finally agreed to. The instructions of 20th May, 1807, whilst forbidding an attempt to modify the East India article by offering to waive the privilege of indirect outward voyages, gave the preference to the omission of any articles on the subject, and to a reliance on the regulations which

Great Britain would find it her interest to make without any treaty stipulation. There was nothing, therefore, in those instructions forbidding us to accept the proposal of the British plenipotentiaries; but we preferred insisting on the India article, and, for the sake of its being inserted, to agree that the convention should be limited to a shorter period of time than had been contemplated. We refused to agree to the European article entire unless the India article made part of the convention. I mentioned at Washington, and will now repeat, the reasons which, in my view of the subject, rendered that course proper.

Not only had those instructions contemplated a treaty embracing important objects not included in the proposed convention, but they were framed at a time when Great Britain pursued a very different policy with respect to the East India trade from that which has lately been adopted. Whilst she continued to exclude her own subjects from any participation in that branch of commerce, the acknowledged incompetency of the East India Company to supply India with a sufficient amount of specie and to carry off the surplus produce of that country made it necessary for both those purposes to resort to the foreign nations, or, to speak more properly, to that of the United States. Without any treaty stipulation the subject might, therefore, be left safely at that time to such internal regulations as Great Britain would, of her own accord and in pursuance of her general policy, make in regard to it. This opinion is supported by experience, our vessels having been admitted in the British East Indies subsequent to the expiration of the treaty of 1794 as freely and on the same terms as they had been whilst that treaty was in force.

But a different policy has now been adopted by Great Britain. The India trade has, by the last modification of the charter of the East India Company, been opened to the private enterprise and capital of British subjects, and the same motives no longer exist, at least to the same extent, for encouraging our commerce. Without pretending to conjecture how far this new state of things may in practice operate, there was sufficient evidence of a change of disposition in the refusal on the part of the British plenipotentiaries to place in that respect by treaty the United

States on the footing of the most favored nations, a provision which, it appears by your correspondence, could have been obtained without difficulty in 1806–1807. It appeared, therefore, unsafe to accede to the proposal of agreeing to the second article of the convention entire and alone, by which every commercial advantage the United States had to offer was yielded, without securing or reserving any means of obtaining the admission of our vessels in British India. And it seemed due to our government not to act upon an instruction given under circumstances different from the existing state of things, and which, with a knowledge of the change which had taken place, the President might have deemed proper to revoke or to modify.

It is not irrelevant to the subject also to observe that, although the British Parliament refused the proposal to place, permanently by treaty, the United States on the same footing with respect to the East India trade as the most favored nations, the convention secures to us that trade in the manner now enjoyed by those nations; and that Great Britain has by that refusal only reserved to herself the right of granting hereafter greater advantages to other nations than they now enjoy, without being obliged to extend those advantages to the United States.

The importance which public opinion and the general tenor of former instructions had attached to that subject would make it the duty of American ministers to pay particular attention to it. I must, however, acknowledge that if listening to my private opinion I would have set much less value on that trade than duty compelled me to do during the late negotiation. It consists almost exclusively in the exportation of specie, which experience at this moment forcibly proves to be the necessary basis of a solid system even of paper circulating medium; and in the importation of articles in competition with one of the most important branches of our manufacture and agriculture. Should the policy of the country induce the adoption of restrictive measures either on the exports or imports connected with that trade, they would have the collateral advantage of proving to the British government that, so far from being disposed to make any sacrifice in order to obtain what it supposes

a privilege, the United States consider that branch of commerce as of no real advantage to them.

The only part of the convention, therefore, which to me appears truly valuable, is that which regulates the intercourse with the British dominions, and particularly the provision which abolishes all discriminating duties,—a policy which, removing some grounds of irritation, and preventing in that respect a species of commercial warfare, may have a tendency to lay the foundation of a better understanding between the two nations on other points; and which consists also with the soundest principles of political economy, giving the greatest extent to commercial enterprise in both countries, and enable alike the manufacturer and grower of produce to obtain the highest price for the products of their industry, and the consumer to obtain those articles at the cheapest rate. I feel also a perfect conviction that in the competition, founded on such fair principles, which will ensue, the natural and acquired advantages of America, above all, the superior activity, enterprise, and skill of her citizens over the subjects of any European nation, will give a decided superiority to the United States over Great Britain; and my only apprehension is that that superiority will be such as to convince that country that they cannot compete with us on equal terms, and to induce the British government not to renew the convention.

My colleagues and myself agreed on the general result; but, not wishing to commit either of them with respect to the grounds of their opinion, I have in this letter spoken in the first person. As you may easily ascertain whether I am mistaken, I will add that I am under the impression that even in that respect Mr. Clay and myself were substantially of the same opinion, and had taken nearly similar views of every subject connected with the negotiation.

I have the honor to be, very respectfully, sir, your most obedient servant.

GALLATIN TO JEFFERSON.

NEW YORK, November 27, 1815.

DEAR SIR,—On my return from Washington I found your welcome letter of October 16, which my friends here, daily expecting my return, had kept instead of forwarding it.

Our opinion of Bonaparte is precisely the same. In that La Fayette's and every friend of rational liberty in France did coincide. The return of that man was generally considered by them as a curse. Notwithstanding the blunders and rooted prejudices of the Bourbons, the alienation of the army and the absolute want of physical force had made them, upon the whole, harmless, and as soon as the termination of the congress at Vienna and the dissolution of the coalition would have left France independent of foreign interference, they must in the course of things either have been overset or have governed according to public opinion. After Bonaparte's restoration, it was hoped by some that his weakness would compel him to pursue a similar course; others, placing confidence in the declarations of the allies, hoped to get rid both of him and of the Bourbons. All saw the necessity of defending the country against foreign invasion, but the fatal catastrophe was not, to its full extent, anticipated by any. I call it a catastrophe with an eye only to the present; for, exhausted, degraded, and oppressed as France now is, I do not despair of her ultimate success in establishing her independence and a free form of government. The people are too enlightened to submit long to any but a military despotism. What has lately passed was a scene in the drama, perhaps necessary to effect a radical cure of that love of conquest which had corrupted the nation and made the French oppressors abroad and slaves at home. As to independence, we have the recent instance of Prussia, which, with far inferior population, resources, or intellect, arose in two years from almost annihilation to the rank of a preponderating power. But, to return to Bonaparte, I lament to see our Republican editors so much dazzled by extraordinary actions or carried away by natural aversion to our only dangerous enemy as to take up the cause of

that despot and conqueror, and to represent him as the champion of liberty, who has been her most mortal enemy, whose hatred to republican systems was founded on the most unbounded selfishness and on the most hearty contempt for mankind. I really wish that you would permit me to publish, or rather that you would publish, your opinions on that subject. This might have a tendency to correct those which are daily published, and which do injury to our cause at home, to our country abroad.

Under different circumstances, without having any wish for a foreign mission or a residence in France, I might have accepted the appointment of minister there. But, satisfied that nothing can at this moment be effected in that country, and it being very reluctant to my feelings to be on a mission to a degraded monarch and to a nation under the yoke of foreign armies, I thought that I might, without any breach of public duty or of private gratitude, consult my own convenience, and I have accordingly officially informed our government that I declined altogether the appointment.

On the lamentable state to which the banks have reduced the circulating medium of the country there ought to be but one opinion. Yet I fear with you that there will be no legislative effectual interference. The remedy becomes also more difficult every day it is delayed. Specie, for which there is no use but for exportation, is hoarded up or exported. The number of borrowers and of pretended lenders, equally interested in continuing and extending the present system at the expense of the community, daily increases. What might have been done last April with perfect facility cannot now be effected without causing much clamor and some distress, and if delayed much longer will not be done at all, and will place us in a situation similar to that of Great Britain. I have no patience on that subject. The war has been successfully and honorably terminated; a debt of no more than 80 millions incurred, which, as we had paid more than 40 during your Administration and till the war began, makes that debt only 40 millions or 50 per cent. more than it was in March, 1801; and Louisiana paid for, and an incipient navy created in the bargain; our population increased in the same, and our resources in a much greater proportion; our

revenue greater than ever; and yet we are guilty of a continued breach of faith towards our creditors, our soldiers, our seamen, our civil officers; public credit, heretofore supported simply by common honesty, declining at home and abroad; private credit placed on a still more uncertain basis; the value of property and the nature of every person's engagements equally uncertain; a baseless currency varying every fifty miles and fluctuating everywhere,—all this done, or at least continued, contrary to common sense and to common integrity, not only without necessity or law, but in the face of positive laws and of the provisions of the Constitution itself. Yet a majority of the Republican papers already leans to that system. The seat of government is the worst focus of the evil, there not being less than 14 banks already organized in the District of Columbia, and some more preparing. The language of several of the bank directors is similar to that of Peter to his brothers in the Tale of the Tub. They insist that their bread (God grant it was even bread!) is good, substantial mutton, that their rags are true solid silver; and some of them do already damn to all eternity every unbeliever. I have, however, some hope that the magnitude of the evil will produce a corrective, and I cannot help thinking that the Treasury will now be so rich that its will would alone be sufficient to prostrate at once that paper fabric. I have also indulged, with more warmth than is usual to me, in a political effusion; but I have been so long wedded to the national credit and integrity, that any stain which attaches to them touches me in a very tender point.

Ever respectfully and affectionately yours.

GALLATIN TO MONROE.

NEW YORK, November 30, 1815.

SIR,—I have the honor to enclose a copy of the inofficial note presented to the Emperor of Russia on the 19th of June, 1814, and alluded to in my letter to you of 21st of same month. Its

object was to condense in as small a compass as possible, so as to have a chance of its being read by him, the argument respecting the question of impressment and the terms on which the United States were disposed to make peace. No expectation was at that time entertained of any efficient interference in our favor on the part of Russia. But it appeared important to preserve in the Emperor's mind a favorable opinion of the grounds on which we had made war, of the rights which we were maintaining, and of our general pacific disposition. It was thought eligible, without diminishing the force of the main argument, to detach it from the question of the right to migrate, which Russia might not be disposed to favor, and to present the subject in that view in which she could perceive that she had a common interest with us. Hence the allusions in the note to the British practice with respect to the migration of their own subjects and to the naturalization of foreigners, as well as to the concealed objections to our not employing British seamen in time of peace.

Anticipating the extravagant demands which the British government was disposed to make at Ghent, and knowing the possibility of the note reaching that government through some of the persons near the Emperor, it was deemed proper, as it respected both Russia and England, whilst showing the most pacific disposition, explicitly to state that no such demands would be acceded to.

I do not recollect any other omission in my correspondence, and I know that all our joint despatches from Ghent reached you. But I will thank you to direct a memorandum to be made out and transmitted to me of the date of all our public despatches from St. Petersburg, and of all my letters from Europe, directed to the Department of State, which have been received. This will enable me to see whether there is any which did not reach you, and in that case to transmit copies to you.

I have the honor to be, respectfully, sir, your obedient servant.

GALLATIN TO JOSIAH MEIGS.

NEW YORK, December 4, 1815.

SIR,—I had the honor to receive your friendly letter of 17th ult., and have delayed so long answering it from hesitation respecting the propriety of publishing the extract of my letter of 19th September, 1810, to Judge Thruston. There are in that letter some allusions to a circumstance which had taken place during the preceding winter,—I mean a most unfounded and wicked charge, that I had speculated or was in some shape connected with purchases or speculations of the public lands of the United States. The charge first appeared in the Virginia Argus, whose editor refused to name the author; and it was expressed in so vague a manner, without specification of facts, that it was to me unintelligible, and left me no means to refute or repel it otherwise than by a simple denial. Some member of Congress moved for an inquiry, which motion, the charge being vague and anonymous, was rejected; and thus the matter has ever since remained, false in itself, unsupported by names or facts, and yet, I dare say, propagated by enemies and believed by some. It could not, therefore, be but agreeable to me that a favorable opportunity should offer itself of proving by the general records of the land office that my conduct (whilst it was under my superintendence) was uniformly dictated by a conscientious sense of duty, and altogether inconsistent with the supposition of my being concerned in any purchases of any kind. None appears in my name, nor is there any act of mine, a single one of favoritism, such as may create a suspicion of my being concerned in the transaction, or as might be expected from an officer guilty himself, afraid of detection, and compelled to show undue forbearance to speculators less culpable than himself; yet I apprehend that the publication of my letter to Judge Thruston, which is but my own evidence in favor of myself, might be charged to improper motives, and, not being called for, would have the appearance of ostentation and self-applause.

Since, however, your letter offers me the opportunity, I beg leave to avail myself of it for the purpose of placing on the

files of your office my explicit denial of the charge, and such observations on my landed property as may prove its falsity.

I suppose it unnecessary to say anything respecting my (home) property in Pennsylvania, on the banks of the Monongahela. All the other lands I own, or have ever owned or been concerned in, are in the States of Virginia, Ohio, or Kentucky. Of these there is but one acquired since I was Secretary of the Treasury, and in the following manner. A Nova Scotia refugee, named Samuel Rogers, being in Washington in the year 1803, destitute of money, I lent him one hundred dollars, for which he pledged to me a tract of 36 acres in the State of Ohio, being one of those allowed to him for his losses as refugee. I gave him an instrument of writing obliging myself to reconvey the land on his repaying the money within a limited number of years, which has expired. He has not redeemed the land, nor have I heard of him these ten years. Considering the land as only pledged, I have uniformly refused to sell it, although several offers have been made to purchase it. Mr. Nourse, Register of the Treasury, was a witness to the whole transaction, and [had] the goodness to draw the necessary writings.

With that single exception, all my other lands lying as above stated in the States of Virginia, Ohio, and Kentucky were acquired prior to my holding the office of Secretary of the Treasury, and, moreover, not an acre ever was the property of the United States, being all derived from Virginia titles; most of them purchased and located in the years 1784–1785, some in 1795, two by exchange in 1800. For three of them, containing together 1700 acres, being Virginia military lands located in the State of Ohio, I obtained the patents subsequent to my being Secretary of the Treasury. The warrant on which they were founded I had purchased in 1784; they were located for me by Major Hardin, who was killed by the Indians in 1794; they were all three surveyed prior to my holding the office of Secretary of the Treasury. The patents for all the other lands are of a prior date.

I will add that I sold no lands whilst I was at the head of the Treasury. What I now have I had (with the exception of Rogers's tract) when I came in office, and what I had then I

now have; I neither acquired or sold, increased or decreased the amount whilst in office, nor, with the exception of that tract, am I or was I ever concerned or interested, either in my name or that of any other, directly or indirectly, in the purchase, sale, grant, or acquisition of any of the public lands of the United States.

You will excuse my having said so much on that subject. It is with great reluctance that I can bring myself to answer accusations so unfounded, so absurd (since, if true, I was liable to be impeached), so unworthy, I may say, of my general character. I felt equally reluctant to trouble any person with a subject of a personal nature. But I have stated my motive for saying what I have; and the friendly motives which dictated your letter have encouraged me in doing it.

Wishing that you may fully succeed in your honorable endeavors to defend and preserve the patrimony of the people of the United States against every unprincipled attack, I have the honor to be, with sincere esteem and respect, sir, your obedient servant.

P.S.—I may still add that all my lands (those at and near New Geneva on the Monongahela excepted) are not together worth and would not sell for twelve thousand dollars.

MONROE TO GALLATIN.

WASHINGTON, December 4, 1815.

DEAR SIR,—It is only this moment that I find with regret that the passport which you requested for Mr. Christie has not been forwarded to you. I now send one in the hope that it will arrive in time.

To your other letter I have felt a repugnance to give a reply. We have been long in the public service together, engaged in support of the same great cause, have acted in harmony, and it is distressing to me to see you withdraw. I will

write you again on this subject soon. We are happy to hear that you arrived safe. Our best respects and wishes to Mrs. Gallatin.

I am, dear sir, with great respect and esteem, sincerely yours.

GALLATIN TO A. J. DALLAS.

NEW YORK, 12th December, 1815.

SIR,—The order to cause the ship American Eagle to be seized and libelled having been transmitted by the Secretary of the Treasury whilst I held the office, Mr. Gelston has repeatedly called on me on that subject, and, finding himself in a very perplexing situation, he has concluded to go to Washington in order to confer with you thereupon. You know that the presumed owners of the ship have recovered a sum exceeding one hundred thousand dollars damages. The judgment will certainly be affirmed in January next by the Supreme Court of this State; and in order to bring the cause before the Supreme Court of the United States it is necessary, in the first place, to carry it by writ of error before the Court of Errors (the Senate) of this State. The suit cannot be removed, under the Act of Congress of last session, to the Circuit Court of the United States, inasmuch as the Act will expire before that court can take cognizance of the suit; and even if it could be immediately thus removed, there being no provision in the Act for the continuance of suits commenced under it, its expiring would, according to repeated decisions (one particularly of the Supreme Court of the United States in a St. Domingo case), be fatal to all suits pending at such time.

In order to carry a suit from the Supreme Court to the Court of Errors of this State it is necessary, by a statute, that actual security should be given for the payment of the amount of the judgment and costs, amounting together, in this case, to a sum exceeding 120,000 dollars. Such security is not unusual in other courts; for I recollect, in the case of the Charming Betsy, in which you were concerned for Commodore Murray,

government was obliged, in some stage of the suit, to direct one of its officers to give the required security at Philadelphia.

It is from that circumstance that arises the immediate embarrassment of Mr. Gelston. He cannot find security for such an amount. His estate is far from being equal to it. It unavoidably follows that, unless relieved by government, his property will be seized and himself be imprisoned in a few weeks.

With respect to the chance of having the judgment reversed, or the amount of damages diminished, by prosecuting the suit through every possible stage, I think there is no probability of success. The facts which gave rise to the seizure are susceptible of demonstration. It can be fully established that the ship was intended for, or actually the property of, Petion. And I believe the damages, supposing the seizure to have been illegal and Hoyt to be really the person entitled to them, to be altogether exorbitant. But I understand that from the nature of the pleas, and from the decision of the courts below, neither of those questions can now be agitated; that the only question which can be brought before either the Court of Errors or the Supreme Court of the United States is whether the ship, taking the record alone in consideration, was liable to seizure in the manner in which she was seized under the Act of 1794, and that that question will, as the record stands, be simply whether Petion can be considered as a prince or state within the meanings of the Act; that the Supreme Court of the United States will decide the question in the negative is relied on, on account of a former decision that San Domingo could not by the courts be considered as an independent state. Not having seen the record, I may not have stated the case with perfect precision; but the outline is substantially correct, and the lawyers who have been employed in the case, and with whom I have conversed, are certainly of opinion that a further prosecution of the suit will be productive of delays and increased costs without any reasonable prospect of altering the decision.

It is at Mr. Gelston's request that I have thus addressed you, and I have complied with his wish with pleasure, from the knowledge that he had only been an agent of government in the transaction, and had through the whole performed his duty faithfully,

and nothing more than his duty. Permit me to add, in regard to the merits of the case, that if the seizure was illegal under the Act of 1794, it follows that this Act has not provided for the case of vessels intended to be employed by a rebel colony (so called) against the mother-country, and that San Domingo, or any other country in a similar situation, must be considered as being neither independent nor part of the mother-country; for it must not be forgotten that, when the seizure in question took place, France was at war with Great Britain. If this decision, which I do not pretend to arraign, be correct, how can the President maintain the neutrality of the United States during the contest between the Spanish colonies and Spain, or any similar one? It was at all events his duty, until such decision had taken place, to avail himself of the powers supposed to have been vested by the Act of 1794, in order to arrest armaments compromitting the neutrality and peace of the United States. It might at least have been presumed that to bring such important question before the courts, under an Act at least of doubtful construction, could not have subjected the agent of government to damages, and that a certificate of reasonable cause of seizure would have been granted by the district judge. His refusal to do it, he being the officer vested by law with the discretionary power of granting or refusing it, has been fatal in all the stages of the subsequent suit for damages against the collector. There is, however, no remedy, and I sincerely hope that, whether it be thought eligible or not that the suit should be carried through every remaining attainable stage, he will be relieved from the distressing situation in which he has been placed.

I have the honor to be, respectfully, your obedient servant.

MONROE TO GALLATIN.

WASHINGTON, December 16, 1815.

DEAR SIR,—An attack of the prevailing epidemic has prevented my writing you as soon as I intended.

The prospect of a separation of France from England, and of

a better understanding between France, Russia, and the United States, has made it probable that the situation of our minister in Paris will be more eligible than circumstances seemed to admit when you were here. The appointment of the Duke of Richelieu was made in opposition to the British Cabinet, and was resented by the Duke of Wellington in an open and harsh manner. It is understood to have been made at the instigation of the Emperor Alexander, with a view to acquire an interest in the French Cabinet at the expense of the British. These circumstances, taken together, inspire hope of a division between Russia and England, which may operate advantageously for France. Since you were here, I have received a letter from the Duke of Richelieu announcing his appointment, and expressing in strong terms a desire to cultivate a good understanding between the United States and France. As he intimated at the same time, in a note to Mr. Jackson, his willingness to communicate with him on public affairs, whereby the ordinary channel was opened and waived, I have thought that some importance might be attached to the preference thus given to a direct notification to this Department, favorable to the presumed independence of France and to the respectability and utility of our minister at Paris. I wish I could add that the salary would be increased. The reasons for it are conclusive, and the President is decidedly for it, as I have long been; but that will depend on Congress. Your declension has not been made public, so that it is still in your power to accept the mission if, on reconsideration, you are so disposed. I have thought that these circumstances were entitled to some attention, and have, therefore, communicated them. Should they, or any other cause, produce a change in your mind, I will thank you to have the goodness to inform me of it.

With great respect and esteem, I am, dear sir, very truly yours.

GALLATIN TO MONROE.

Private.

NEW YORK, 26th December, 1815.

DEAR SIR,—I have received your friendly letters of 4th and 16th instant, and have a grateful sense of the motives which dictated them. I can assure you that I feel a great reluctance to part with my personal and political friends, and that every consideration merely personal to myself and detached from my family urges a continuance in public life. My habits are formed and cannot be altered. I feel alive to everything connected with the interest, happiness, and reputation of the United States. Whatever affects unfavorably either of them makes me more unhappy than any private loss or inconvenience. Although I have nothing to do with it, the continued suspension of specie payments, which I consider as a continued unnecessary violation of the public faith, occupies my thoughts more than any other subject. I feel as a passenger in a storm, vexed that I cannot assist. This I understand to be very generally the feeling of every statesman out of place. Be this as it may, although I did and do believe that, for the present at least, I could not be of much public utility in France, I did, in my private letter to the President, place my declining on the ground of private considerations. In that respect my views are limited to the mere means of existence without falling in debt. I do not wish to accumulate any property. I will not do my family the injury of impairing the little I have. My health is frail; they may soon lose me, and I will not leave them dependent on the bounty of others. Was I to go to France, and my compensation and private income (this last does not exceed 2500 dollars a year) did not enable me to live as I ought, I must live as I can. I ask your forgiveness for entering in those details; but you have treated me as a friend, and I write to you as such. You have from friendship wished that I would reconsider my first decision, and I will avail myself of the permission. It will be understood that in the mean while, if the delay is attended with any public inconvenience, a new appointment may

immediately take place. My motive for writing when I did was a fear that, specially with respect to other missions, the belief that I would go to France might induce the President to make different arrangements from those he would have adopted on a contrary supposition. I will write to Mr. Crawford, in order to ascertain with precision the rate of living and other points connected with the subject. As to any increase of compensation, I am sensible of the difficulties which may oppose its being done by Congress. The general argument in favor of it is that the prices and rate of expense have increased at least 50 per cent. in Europe since the year 1790, when the present salaries were established. The last Act now in force certainly requires revision. It would afford relief, if nothing else can be obtained, that Congress should permit, in addition to the secretary of legation, an allowance of 1500 dollars a year for a private secretary, and should also allow house-rent, not to exceed the price actually paid, nor in any case a fixed sum, say 2000 dollars. There is a kind of precedent,—the United States having purchased a house at the Hague for their minister. The compensation for ministers was also higher during the Revolutionary war than at present. It was reduced from £ sterling to the present sum in 1790. I have thrown in those suggestions, as they may be used in regard to the general question and independent of my case.

With great respect and esteem, &c.

MEMORANDUM.[1]

1815?

In the latter end of May or beginning of June, 1812, Mr. Astor, of New York (who had, with the knowledge of government, purchased one-half of the British concern in what is called the Southwest or Michilimackinac Fur Company), stated that in the event of a war the arms, powder, and other merchandise which he had at St. Joseph's, on Lake Huron, would fall in the

[1] "De Astor and communications by the Treasury to collectors before the declaration of war." Note by Mr. Gallatin.

hands of the Indians or British, and requested that an order might be given to the officers of the United States to receive that property, the admission of which was prohibited by the Non-Intercourse Act. The President thought the subject of sufficient importance to give directions to that effect; and accordingly a letter was written to General Hull by Mr. Eustis, and another by the Secretary of the Treasury to the collectors of Detroit and Michilimackinac on the subject (Mr. Sheldon will send to Mr. Dallas an attested copy of the last). Those letters were written by duplicate, one transmitted to Mr. Astor and the other sent by mail, either under cover of General Hull or of the collector of Detroit. Mr. Atwater (the said collector) received one (but which is not known), which did not reach him till after the capture of Michilimackinac. No other communication respecting Mr. Astor was made by the Secretary of the Treasury.

He gave information of the war neither to Mr. Astor nor to any other person. Mr. Astor did not believe in its probability, notwithstanding the precaution which he wanted to be taken, and heard of the declaration on his way to Washington, between that place and Baltimore.

Whether or how Mr. Astor or his clerk transmitted the account to Canada I cannot say; but I am certain that none was sent by either till after the official account had been received at New York. This it is not for me to explain. I will add that the news of the war was sent by express to General Hull, who must necessarily have known of that event some time before the British. It has been said that his despatches containing that account (which he did not communicate to the army) were by him put in a vessel, which was of course taken by the British; but it is probable that an account from New York via Niagara would reach St. Joseph's and Michilimackinac long before the news from Washington would arrive.

Memorandum. Astor's letters of 21st and 22d June, 1812, received by Abbot on 9th July. On 10th, Atwater gave copy of Treasury letter, which, with Astor's letters to Day & Dixon, were forwarded to Michilimackinac by Jacob Smith. He re-

turned on 29th, and brought news of capture of Michilimackinac on 16th. General Hull opened and detained letters to Day & Dixon on Smith's return.

GALLATIN TO CLAY.

NEW YORK, 4th January, 1816.

DEAR SIR,—I have received your letter of 31st ult., and am enabled, from our correspondence and notes of conferences, to give a satisfactory answer to your inquiry respecting the effect, on our intercourse with the British West Indies, of the provisions of the convention as they now stand.

On 7th of June we delivered to the British plenipotentiaries our projet of treaty, containing, as part of the 2d Article, the following provision, viz.: "No other or higher duties or charges shall be imposed in any of the ports of the United States on British vessels (such only excepted as may be bound from or to British possessions into which vessels of the United States are not admitted) than shall be payable in the said ports by vessels of the United States; nor, &c."

On the 16th of June the British plenipotentiaries sent us their contre-projet, containing the same provision, but omitting the exception provided for by the words between ( ) in our projet.

On the 17th of June we addressed a note to the British plenipotentiaries, proposing, among other alterations, in their contre-projet the following, viz.:

"Article 2d. 1stly. . . . 2dly. To reinstate the clause in the projet of the undersigned, which excepted from the provision to equalize tonnage duties British vessels bound to or from possessions to which vessels of the United States were not permanently admitted; or to introduce a new article providing that neither the intercourse between the United States and his British Majesty's possessions in the West Indies, nor *that by sea between the said States and his British Majesty's territories* on the continent of North America, shall be affected by *any article in the treaty*, but that each party shall remain in the complete possession of its rights in respect to such an intercourse."

The British plenipotentiaries reduced to writing, in their note of 20th of June, the substance of the observations made in a conference of the 19th on the several points contained in our note of the 17th; in which note of the 20th they say, "upon the second point referred to in the note of the American plenipotentiaries the undersigned expressed their readiness to agree to a clause which should contain the latter alternative suggested by the American plenipotentiaries."

The clause was accordingly inserted as it now stands in the 2d Article of the convention, omitting the words which I have underscored, and which had reference to the then still pending article to provide for an intercourse by land with the North American British colonies, and substituting the words "any of the provisions of this article" to those *any article in the treaty*, as, by the convention as signed, the 2d Article alone could affect the subject.

We were induced to offer the alternative, because the words used in it answer the proposed object as well as those we had first proposed, being, in fact, not only as explicit but more comprehensive; and because, having been used with the same avowed intent in the unratified treaty of 31st December, 1806, and then understood and approved by both governments, they could not be objected to by the British plenipotentiaries.

In that treaty a partial abolition of discriminating duties is, without excepting vessels from British colonies, provided for in the 5th Article; and then a distinct article (the 6th) provides that, with respect to the intercourse with the British West Indies, "each of the parties shall remain in the complete possession of its rights in respect to such an intercourse." The clause in the convention not only extends the principle to the British possessions on the continent of North America, but is still more precise than the 6th Article of the unratified treaty by the addition of the words, that the intercourse aforesaid "shall not be affected by any of the provisions of the article."

The instructions given on that subject by our government to Messrs. Monroe and Pinkney were (in the instructions of May 17, 1806), that "care must be taken not to deprive the United States of the right of making such regulations as they may think

proper in relation to vessels coming from ports from which their own vessels are excluded, or in relation generally to the intercourse with such ports;" and (in the instructions of 3d February, 1807, written before the receipt of the treaty) that "if the West India trade cannot be put on some footing as is authorized by your instructions, it will evidently be best to leave it as it is, and of course with a freedom to either party to make such regulations as may be justified by those of the other."

Messrs. Monroe and Pinkney in their letter of January 3, 1807, alluding to that part of the treaty, say, "we have, as you will perceive, in conformity with our instructions, reserved the right to our government to counteract any regulations by which the British government may exclude us from a fair participation in that commerce. . . . The reservation cannot fail to be considered by it as a powerful weapon of defence, to be used when occasion calls for it, &c."

The treaty was not ratified. The Secretary of State in his letter of 20th of May, 1807, enumerates the objections of our government to that instrument, and, although he does object to part of the 5th Article (for not abolishing discriminating duties on exports, which we have obtained), he does not require any greater security with respect to the West India intercourse, and approves the 6th Article.

Although that treaty was a theme of discussion, it never was hinted by either party that it was defective in that respect. I am indeed confident that the objection would not now have been made had it not been suggested by the expressions used in our first projet. But that the words adopted fully imply the right of laying an additional duty on British vessels from the British West Indies, anything to the contrary notwithstanding in the other provisions of the article, is indisputable.

The British government understand the clause in no other sense. It was susceptible of no other; and, in addition to our explicit declarations, they were in full possession of the instructions and correspondence above quoted, which leave no doubt on the intention of the parties.

Truly yours.

MONROE TO GALLATIN.

Private.

WASHINGTON, January 27, 1816.

DEAR SIR,—I had hoped that it would have been in my power to have assured you before this that the salary of our ministers abroad would be raised, or the accommodation in house-rent and a private secretary afforded; but I can say nothing yet with any degree of certainty on these points. The business of the session advances slowly, and although the disposition to sound measures is generally favorable, there is cause to apprehend that a proposition to that effect at this time would be opposed by some not from the sole consideration that they thought such an arrangement improper. All that can be said is that the opinion of the Executive is favorable to such an augmentation, and that it will do all that it can with propriety to promote it. Much time must necessarily elapse before this can be done, or a decision on it, either way, be obtained. In the mean time, great solicitude is shown here respecting the missions to France and Russia, proceeding from the state of public affairs. The President must put them in train, or discontent will soon manifest itself. No step will be taken without hearing from you, and we both indulge a hope that it may be convenient to you to accept the mission to France, especially as there is reason to presume that the expense of living has been much diminished in France, in consequence of the general peace in Europe. We see by the papers that it has already produced that effect in England.

Mr. Serurier is recalled, and his secretary, Mr. Roth, appointed chargé des affaires. This is done perhaps merely to get rid of the former; still, the movements of that government require attention. The temper of the Spanish government and the state of affairs with Spain excite feeling. England will profit of circumstances, and we know not enough of the councils of the Emperor of Russia to infer that he will check any measures of other powers unfavorable to the United States. In short, the present state of the world urges the strongest

reasons in favor of our being ably represented with those governments.

I beg you to present Mrs. Monroe's and my best respects to Mrs. Gallatin, and believe me to be, with great respect and esteem, dear sir, sincerely yours.

I will send you by Monday's mail a copy of a communication which has lately passed between this Department and Mr. Onis. It will be published.

GALLATIN TO JOHN FORSYTH, M.C.

NEW YORK, 31st January, 1816.

SIR,—I do not know whether the debates of Congress on the bill for carrying into effect the convention with Great Britain have been correctly reported. If they have, it seems that some important facts concerning the former practice under our government have not been noticed. I see it asserted in the course of debate that the provisions in the treaty of 1794, which affected our revenue laws, were considered as law and not requiring legislative sanction to carry them into effect, and that the bill lately before the House was the first attempt of that kind and would therefore be a dangerous precedent.

Both assertions are utterly destitute of foundation. The provisions in the treaty of 1794, alluded to, were carried into effect by Act of Congress; and so far from it being true that the bill was an attempt for the first time made, that there is no instance of a treaty made since the adoption of the present form of government, and containing provisions inconsistent with the present revenue laws, in which it has not been thought necessary to give effect to such provisions by a legislative act.

Three treaties only have contained provisions of that nature, viz., the treaty of 1794 with Great Britain, the treaty with Spain of 1795, and the treaty with France of 1803 respecting the cession of Louisiana.

It was agreed by the 3d Article of the treaty of 1794 that

merchandise imported into the United States from the British territories in North America, by land or inland navigation, should be subject to no higher duties than would be payable if imported in American vessels into the Atlantic ports of the said States,—a provision perfectly similar, so far as respected the intercourse by land with Canada, to that introduced in the late convention with respect to the intercourse with the European British territories, and which was equally inconsistent with the existing revenue laws, which then, as now, imposed an additional duty of ten per cent. on the duty imposed on merchandise imported in American vessels, when the importation was made in foreign vessels. The same 3d Article contained also several other provisions, either inconsistent with existing laws or embracing objects within the sphere of the legislative powers of Congress, such as the exemption of duty on peltries, on goods belonging to Indians, and on merchandise carried over the portages; the regulations of rates of ferriage; the general permission to import all goods not altogether prohibited, &c. The Western posts were not delivered to us till the year 1797; and it was only in 1799 that revenue districts and custom-houses were established by law on Lakes Ontario, Erie, and Huron. The same Act which established those,—the "Act to regulate the collection of duties on imports and tonnage,"—passed on the 2d March, 1799, contains also several sections enacted for the purpose of conforming the Act to the stipulations of the treaty of 1794, above mentioned. Those sections are the 104th and 105th of the Act (4th vol., pages 440–1), and embrace all the provisions of the 3d Article of the treaty to which I have alluded.

It was agreed by the 7th Article of the treaty of 30th April, 1803, with France that French and Spanish produce respectively imported in Louisiana in French or Spanish vessels should pay no higher duty during twelve years than merchandise imported in American vessels. That provision, also inconsistent with the revenue laws and similar to that in the late convention with Great Britain, was carried into effect by the 8th Section of the Act for laying and collecting duties on imports and tonnage in Louisiana, passed 24th February, 1804 (7th vol., page 33).

It was agreed by the 10th Article of the treaty with Spain of 1795 that if any vessel of either party should be wrecked or damaged on the coasts of the other party, no duties should be paid on such part of the cargo as should be reladen and carried away. This provision was inconsistent with the revenue laws, which imposed duties on such goods unless reladen in the same vessel in which they had been brought in and in the manner provided by the 38th Section of the Act of 4th August, 1790 (re-enacted verbatim in the Act of 2d March, 1799, of which it is the 60th Section). This inconsistency was not perceived at the time, and no legislative provision was supposed necessary. But a case of that kind having occurred at Norfolk in the year 1804, the Act for carrying into more complete effect the 10th Article of the treaty with Spain was passed on the 14th February, 1805 (7th vol., page 259), and made special provision for the case which had occurred, as well as general provision for carrying the article of the treaty into effect.

The first of the Acts which I have quoted, that of 2d March, 1799, was the spontaneous act of a *Federal* Administration, was introduced and passed by the highest-toned *Federal* Congress that has existed under the present form of government. The two others were passed under a Republican Administration and by a Republican Congress, but without any opposition whatever, so far as related to any constitutional question, on the part either of the Federal members or of the Senate, although the title of the last Act was sufficient to alarm, if any constitutional objection had existed. But the fact is that none did exist, and that now is the first time that an attempt is made to prevent the passage of a law intended to carry into effect, or, if you please, to execute, a treaty, on the ground that the treaty itself becomes a law, any[thing] in the statute to the contrary notwithstanding. The uniform practice and the doctrines heretofore held are equally in contradiction with that novel and unprecedented attempt. In the long debates on the constitutional question which arose in 1796 respecting the treaty-making power, it was contended by the Federal minority of the House of Representatives, 1st, that the treaty once ratified was binding on the nation, and that Congress was as much bound to pass the laws necessary to carry

such treaty into effect as the President and courts were to execute its provisions; 2dly, that if there was any discretion in Congress it was limited to the special Act required of them, to the propriety of making an appropriation or of regulating duties; and that they had no right to take into consideration, as a motive of dissent, other parts of the treaty which avowedly required no legislative sanction. That that minority did not contend for the principle now advanced is evident from their subsequent conduct in passing or assenting to the Acts above quoted.

I perceive no other effect likely to result from the rejection of any bill to carry the convention into effect but to defeat the convention itself, and to prevent treaties of a similar nature being hereafter made with foreign nations. The practice having uniformly been as I have stated, how can the President assume the responsibility and the right to execute the convention? How can he construe the rejection of the bill otherwise than as an evidence that Congress intends to prevent the execution of that compact? Permit me at the same time to add that I do not see any substantial objection to the expression *declared* adopted by the Senate in their bill. You will find a precedent for it in the 104th Section of the Act of 2d March, 1799; and provided a law be allowed to be necessary, the formula does not seem essentially material.

It is very possible that what I have written had been already fully stated, but the uniformity of the practice, if stated in debate, not having been noticed by the reporter, I thought it might have happened that provisions contained in revenue laws familiar to me were not sought for in those Acts, and might have escaped the research of gentlemen who had rarely occasion to recur to those laws. You will be pleased to accept this apology for this long letter; and I request you to believe me, with sincere respect, your obedient servant.

GALLATIN TO MONROE.

Private.

New York, 2d February, 1816.

Dear Sir,—I have received your letter of 27th ult., and have at last concluded to avail myself of the permission given me to accept again the mission to France. I am duly sensible of yours and the President's kindness in having kept the question so long opened, and hope you will find an apology for my hesitation in the importance, at my age, of a decision which must so materially affect the prospects for life of my wife and children. I believe with you that the chance of Congress making any additional allowance to foreign ministers is not the better on account either of the present incumbents or of the state of suspense in which some of the important missions are now kept. On what may hereafter be done no reliance can be placed. I calculate only on what now exists, and mean, as I before stated, to regulate my expenses accordingly. If I find it impracticable to live without encroaching on my small property, I will beg permission to return. I believe an additional compensation to be much more important to the United States than to the individual.

I have still some private arrangements to complete, which will not, however, detain me long, and I will be ready to repair to Washington, for the purpose of reading the former correspondence and receiving your instructions, at any time you may be pleased to appoint. It will best suit my convenience to have a short time allowed me on my return from Washington. I will, in the mean while, wait for your answer.

I beg you to present Mrs. G.'s and my best respects to Mrs. M. and to Mrs. Hay, and to believe me, with sincere respect and esteem, truly yours.

You will have the goodness to return or destroy the letter in which I had declined the appointment, as it should not remain on the files of the office.

MONROE TO GALLATIN.

Private.

WASHINGTON, February 18, 1816.

DEAR SIR,—We were much gratified to find by your last letter that you accepted the mission to France. I have not wished to take you from your affairs, which I am convinced must require your unremitted attention before your departure; but I now think that the sooner you come here the better it will be. It is known that you have accepted the mission, and an early visit here will produce a good effect. The prospect of obtaining an augmentation, in the modes heretofore suggested, of the salary, is improved by the acceptance, and being here, the opportunity you will have of conferring with Mr. Clay and Mr. Crawford on the subject, and interesting them in it, will give to our exertions much aid. This you may afford, in the present state, with perfect delicacy. Everything will be done to accommodate your views, in the time of your departure, that circumstances will permit. Your former letter was not filed in the Department; I will return it to you when we meet. Our best regards to Mrs. Gallatin.

With great respect and esteem, sincerely yours.

GALLATIN TO T. R. GOLD.

WASHINGTON, March 19, 1816.

SIR,—I am this moment honored with your note of this day. The information you have received that I was concerned with Mr. Astor in the importing business is altogether erroneous. I never have been, nor am at present, either directly or indirectly, connected with that gentleman in any business whatever. I am not engaged and do not intend to engage in any commercial pursuits. However unimportant or erroneous my opinions may be on the subject, they are at least wholly disinterested; yet the length of time I spent in the Treasury may have produced some

bias on my mind, and the danger of infractions of the revenue laws probably strikes me more forcibly than it does other persons.

From various considerations I have been induced to wish that there should be a total prohibition of the importation of East India cotton goods, so far at least as relates to those of coarse fabric. That opinion I expressed to Mr. Thomas Morris in New York, and is, I presume, that to which you allude. It has been communicated to others, and is not changed.

With respect to the proposed tariff, I do not perceive, as it relates to the consumer, that it can be very material to him whether his share of the public burdens is raised on the cloth he wears or on the sugar and coffee he consumes. There appears, therefore, in that respect, no objection to a modification of the duties which shall afford encouragement to domestic manufactures. The limit to high duties is the danger of smuggling on that large scale which will defeat the object in view. What that limit is must be matter of opinion. No man can assert positively the precise point to which you may go with safety and beyond which it would be dangerous to raise the duty. I may, however, state as a fact that prior to the adoption of our restrictive measures a duty of 17½ per cent. was raised on a considerable portion of the goods paying duties ad valorem, without any sensible or dangerous evasions of the duties having taken place. I do at the same time most sincerely believe that the highest rates of duties proposed by the Secretary of the Treasury, as applicable to the finer species of goods, would fill the country with smuggled merchandise, and would prove equally injurious to the fair trader and to the manufacturer himself. The revenue may be protected against considerable illicit importations by sea; but the great danger arises from the vicinity of New Brunswick and from our very extensive northern land frontier. To what extent smuggling is carried on under similar circumstances in Europe is well known, and the habits and skill acquired here during the restrictive system cannot be overlooked. I must repeat that what may be thought the highest safe rate of duty is only a matter of opinion until it has been tested by experience. I give mine with diffidence, but think that with coarse cotton and woollen goods, which may, I presume, be discriminated, and with

the exception of other bulky articles, such as hardware, &c., it would be dangerous at present to go beyond 20, or at most 25 per cent. If I was either a manufacturer or a legislator, I had rather begin with 20 per cent., with a view to a gradual subsequent increase if justified by the experiment. An absolute prohibition of East India cotton goods can be carried into effect with much more facility than very high duties, because in the first case the goods which are easily distinguished may be seized anywhere and at any time, whilst in the other they are almost entirely beyond the reach of seizure the moment they have passed our boundary-line. The experience of England with respect to French silks and even to laces is decisive on that point. I may add that the measure would also have the double effect of assisting in resuming specie payments, and demonstrate to the British government that we do not consider the permission to trade with their East India possessions as conferring any valuable privilege on us.

GALLATIN TO JEFFERSON.

WASHINGTON, 1st April, 1816.

DEAR SIR,—I have much regretted that a detention in my journey to this place prevented my arriving at Baltimore till after your nephew's departure. I had brought with me letters from Geneva, which I have sent after him. Mr. Erving takes duplicates, and I will send triplicates on my arrival at Paris, so that I hope that he will experience no disappointment on that account. I found the institutions and professors as good at Geneva as when I had left it thirty-five years before.

After what I had written to you, you could hardly have expected that I would have accepted the French mission. It was again offered to me in so friendly a manner and from so friendly motives that I was induced to accept. Nor will I conceal that I did not feel yet old enough, nor had I philosophy enough, to go into retirement and abstract myself altogether from public affairs. I have no expectation, however, that in the present state of France I can be of any utility there, and hope that I

will not make a long stay in that country. The late events must have dispersed a great number of your acquaintances there. If you have yet any correspondence to which you wish any letters to be safely transmitted, such as you will send by me will be safely delivered in their own hands. I presume that I will sail the latter end of this month from New York, for which place I will set off to-morrow. In every country and at all times I never can cease to feel gratitude, respect, and attachment for you. With every wish for your happiness, I remain sincerely and respectfully.

JEFFERSON TO GALLATIN.

MONTICELLO, April 11, 1816.

DEAR SIR,—Your last favor is received just as I am setting out for a possession ninety miles southwardly, from whence I shall not return until the first week of the ensuing month. I hasten, therefore, to drop you a line of adieu. I sincerely rejoice that you are going to France. I do not think with you that nothing can be done there. Louis XVIII. is a fool and a bigot, but, bating a little duplicity, he is honest and means well. He cannot but feel the heavy hand of his masters, and that it is England which presses it, and vaunts the having had the glory of effecting their humiliation. His Ministers too, although ultra-royalists, must feel as Frenchmen. Although our government is an eyesore to them, the pride and pressure of England is more present to their feelings, and they must be sensible that, having a common enemy, an intimate connection with us must be of value to them. England hates us, dreads us, and yet is silly enough to keep us under constant irritation instead of making us her friends. She will use all her sway over the French government to obstruct our commerce with them, and it is exactly there you can act with effect by keeping that government informed of the truth in opposition to the lies of England. I thank you for your attention to my request as to Mr. Terril. You judge rightly that I have no acquaintances left in France: some were guillotined, some fled, some died, some are exiled,

and I know of nobody left but La Fayette. I correspond with his connection, M. Destutt Tracy, the ablest writer in France in the moral line. Your acquaintance with M. de la Fayette will of course bring you to that of M. Tracy. Will you permit me to tell you a long story, and to vindicate me in conversation to both those friends, before whom it is impossible but that I must stand in need of it? M. Tracy has written the best work on political economy which has ever appeared. He has established its principles more demonstratively than has been done before, and in the compass of one-third of even M. Say's work. He feared to print it in France, and sent it to me to have it translated and printed here. I immediately proposed it to Duane, who engaged to have it done. After putting me off from six months to six months, he at length (after two or three years' delay) wrote me that he had had it translated, but was not able to print it. I got from him the original and the translation, and proposed the publishing of it to Milligan, of Georgetown, promising to review the translation if he would undertake it. He agreed to it. When I came to look into the translation, it had been done by one who understood neither French nor English, and I then rejoiced that Duane had not published it. It would have been horrid. I worked on it four or five hours a day for three months, comparing word by word with the original, and, although I have made it a strictly faithful translation, yet it is without style. *Le premier jet* was such as to render that impossible. I sent the whole to Milligan about ten days ago, and he had informed me his types and everything was ready to begin it. I have not the courage to write to M. Tracy until I can send him a copy of the book; and were I to write to M. La Fayette and be silent on this subject, they would conclude I had abandoned it; but, in truth, I have never ceased to urge it. Indeed, I take great interest in its publication. Its brevity will recommend it to our countrymen, and its logic set their minds to rights as to principle; and you know there is no science on which they are so little informed. Now can you remember all this? and will you be so good as to place me erect again before my friends by a verbal explanation? God bless you, and give you a safe and pleasant voyage, and a safe return to us in the fulness of time!

I trouble you with two letters to Mr. Terril to be forwarded to Geneva.

MADISON TO GALLATIN.

WASHINGTON, April 12, 1816.

DEAR SIR,—Mr. Dallas has signified to me that, it being his intention not to pass another winter in Washington, he has thought it his duty to give me an opportunity of selecting a successor during the present session of Congress; intimating a willingness, however, to remain, if desired, in order to put the national bank in motion.

Will it be most agreeable to you to proceed on your mission to France? or are you willing again to take charge of a Department heretofore conducted by you with so much reputation and usefulness, on the resignation of Mr. Dallas, which will, it is presumed, take effect about the 1st of October? In the latter case, it will be proper that a nomination be forthwith made for the foreign appointment. Favor me with your determination as soon as you can make it convenient, accepting, in the mean time, my affectionate respects.

GALLATIN TO MADISON.

NEW YORK, April 18, 1816.

DEAR SIR,—Your letter of the 12th reached me only the day before yesterday, and, not willing to make a hasty decision, I have delayed an answer till to-day. I feel very grateful for your kind offer, which I know to have been equally owing to your friendship for me and to your views of public utility. I decline it with some reluctance, because I think I would be more useful at home than abroad, and I had much rather be in America than in Europe. The reasons which induce me, nevertheless, to decline, under existing circumstances, prepon-

derate. With these I do not mean to trouble you, and will only mention that, although competent, as I think, to the higher duties of office, there is, for what I conceive a proper management of the Treasury, a necessity for a mass of mechanical labor connected with details, forms, calculations, &c., which, having now lost sight of the thread and routine, I cannot think of again learning and going through. I know that in that respect there is now much confusion, due to the changes of office and the state of the currency; and I believe that an active young man can alone reinstate and direct properly that Department. I may add that I have made a number of arrangements founded on the expectation of the French mission, of a short residence there, and of a last visit to my Geneva relations, which could not be undone without causing inconvenience to me and disappointment to others. Accept my grateful thanks, and the assurance of my constant and sincere attachment and respect.

Your obedient servant.

GALLATIN TO MONROE.

New York, April 18, 1816.

Dear Sir,—I have not had the pleasure to hear from you since I left Washington. The instructions will always reach me in time, but there are some points on which, as they affect my immediate arrangements, I wish information as soon as convenient. The most important relates to the time and manner of departure. As to the first, I am and have been prepared since the time I left Washington. With respect to the last, I should know whether I am to go in a public vessel, since I cannot make my arrangements for a passage in a private one till that is ascertained. The bill for the increase of salaries having been rejected, it is also of some importance that I should know from what time the salary will commence. Whether I go in a public or private vessel, it will cost me about 2000 dollars before I can land my family at Paris. I know that you will make every allowance within your power, and only wish to know what it

will be. Those are the only points necessary for me to know before my departure. On account of the aforesaid rejection I beg leave also to repeat my application of clerk-hire, and to ask whether I am bound by standing instructions to give table and board to the secretary of legation. This it is my intention to do with Mr. Sheldon; but I wish to know whether it is a matter of duty. These two last inquiries to be answered at your leisure. I have had a severe cold since I saw you, and we have still here January weather. How are you? I do not like your damp room at the State office. Mrs. Gallatin requests to be affectionately remembered to Mrs. Monroe and to Mrs. Hay. Accept the assurance of my affectionate respect.

Your obedient servant.

GALLATIN TO MADISON.

NEW YORK, 19th April, 1816.

DEAR SIR,—Last Washington mail brought me the enclosed letter (returned) from General John Smith, of New York. Mr. Astor has never spoken to me on the subject. It would please me that he should be gratified in that respect. It will promote the filling of subscriptions, and he has a fair claim to that honorific distinction. In April, 1813, when the Federalists of New York refused to subscribe to the 16 millions loan, he came out with a subscription of more than two millions of dollars, bottomed exclusively on his own resources and credit, and enabled me, by that competition, to obtain better terms from Parish and Girard. I know that amount was much more than was convenient and did much embarrass him.

Respectfully, your obedient servant.

[Enclosure.]

JOHN SMITH TO GALLATIN.

NEW YORK, 5th April, 1816.

DEAR SIR,—It appears probable that the Act for incorporating a national bank will become a law. I therefore take the liberty of mentioning to you that our friend Mr. Astor would

be gratified if the President should think proper to appoint him one of the commissioners for receiving subscriptions to the bank.

Mr. Astor contemplates becoming a large stockholder, and if you think that you can with propriety mention his name to the President for the appointment, he will consider it a particular favor done him.

I am, with much respect, yours, &c.

GALLATIN TO NATHANIEL MACON.

NEW YORK, 23d April, 1816.

DEAR SIR,—Yours of 18th instant is received. The sale of United States stock will undoubtedly assist not only the banks but also their debtors. The banks may sell theirs instead of curtailing discounts, or for the purpose of purchasing specie. Those of their debtors who own such stock, and they are numerous, principally in Baltimore, may pay their discounted notes by a similar sale. But I think an additional issue of Treasury notes one of the worst measures that could be adopted. We have a redundancy of currency, and to raise its value its amount must necessarily be diminished. What is called scarcity of money is not the scarcity of circulating medium, but a greater desire of borrowing than there are means to satisfy it. So long as banks do not pay in specie, they may, indeed, by new issue of paper, increase their loans. But this is effected by depreciating the currency; in other words, by raising a tax on the community for the benefit of the banks and borrowers, and, what is worse, by impairing the sanctity of contracts. This is the evil to be cured; and if you add to the circulation as many Treasury notes (receivable in duties but not payable in specie) as you subtract bank-notes from it, you undo with one hand what you were repairing with the other. In my opinion, the surplus of Treasury notes beyond the amount which could have been circulated at their specie par value ought to have been funded as soon as peace was made. At all events, this should have been done with respect to all those which became due. This was done but in

part, and the effect of the revenue was relied on to absorb the residue. The consequence has been that nothing could be received in payment of that revenue but Treasury notes, depreciated 15 per cent. below specie, or bank paper, still worse. All the public creditors have since the peace, when necessity could no longer be pled, in direct violation of the pledged faith of the United States, been paid in similar depreciated currency, instead of the gold and silver promised to them. The army and navy, the public officers of government, have been paid in the same manner. The Treasury has gained what it would have lost in funding the Treasury notes at their market specie price; but it was an illicit profit. The consequence has been that the public stocks have never been since the peace higher than 85 per cent., a lower price than they were during the war prior to the suspension of payments in specie by the banks. At last the revenue begins to operate. A greater demand exists for Treasury notes; they are for the first time, without any artificial means, on a par with New York paper; that is to say, about 8 per cent. below specie. If you issue an additional quantity at this time, a retrograde motion will take place, and instead of gradually rising to specie par they will again depreciate. The Treasury will again be without money here, the public creditors paid with paper worse than at present, and the prospect of that sound state of currency and fidelity in fulfilling public and private engagements which rest alone on the resumption of specie payments by the Treasury and by the banks, will still be farther removed. Public confidence will again be further impaired, and the difficulty of filling the national bank and carrying it into operation will be increased.

I write hastily and perhaps with not sufficient perspicuity on this complex subject. There is none on which I ever had more perfect conviction of the soundness of my opinion; for it rests not only on supposed advantages, but on a strong sense of justice. I also think that instead of striking out in the bill the coercive clause on the banks, it would have been far better to retain it, removing to a greater distance (say 1st July or 31st December, 1817) the day on which it was to operate.

Ever yours.

I believe that the banks here, if you do nothing more than to require specie payment into the Treasury after 1st January next, will resume their specie payments; but I fear those of Baltimore will not do it unless coerced.

CRAWFORD TO GALLATIN.

Confidential.

WASHINGTON, 6th May, 1816.

DEAR SIR,—Mr. Dallas has informed the President of his determination to resign his office in the month of September, or sooner if a successor can be found. The President has offered, and indeed pressed it upon me. From observations then made, he considered your determination to go to France as conclusively made up. My own impressions are that your situation in France will not be pleasant. The refusal to increase the salary ought to be considered as final, at least with the present Congress; and there is but little reason to expect that the next will be more liberal. Your residence there will then probably be of short duration. It is certainly true, however, that the salary of $9000 in Paris is better than the same sum in this place, if living is always to be as high as at this time. Under these circumstances I have felt it to be my duty to state the intended resignation, and to assure you that I am confident Mr. Madison would see you in that office with great pleasure.

I do not know your feelings towards his successor, nor do I know his feelings towards me; nor is it a matter of any consequence, as far as I am concerned, what they may be; but it may be an object of great importance with you in the decision of this question.

My answer has been decidedly in the negative. I do not feel at liberty to disclose the ulterior views of the President as far as he has formed them. At present everything depends upon contingencies. I fear, however, that if he should fill the office at all it will not be well filled, unless you should think fit to resume your former station.

From this declaration you will discredit the reports of Mr. Lowndes's succeeding Mr. Dallas. I suggested this arrangement, but, although it was not rejected, I discovered that a different selection would be made unless I consented to take charge of the Department. My reasons for declining this offer are too strong to be removed. It is therefore useless to disclose them.

I have the honor to be your most obedient and very humble servant.

GALLATIN TO MATTHEW LYON.

NEW YORK, May 7, 1816.

SIR,—I was much gratified by the receipt of your friendly letter of 29th October last, which ought to have been sooner acknowledged, but which I will not, before my departure for Europe, leave unanswered. I am sorry for your losses, but hope that the property you have left will be sufficient to make you as comfortable as your active industry and knowledge of business certainly deserve.

The war has been productive of evil and good, but I think the good preponderates. Independent of the loss of lives, and of the losses in property by individuals, the war has laid the foundation of permanent taxes and military establishments, which the Republicans had deemed unfavorable to the happiness and free institutions of the country. But under our former system we were becoming too selfish, too much attached exclusively to the acquisition of wealth, above all, too much confined in our political feelings to local and State objects. The war has renewed and reinstated the national feelings and character which the Revolution had given, and which were daily lessened. The people have now more general objects of attachment with which their pride and political opinions are connected. They are more Americans; they feel and act more as a nation; and I hope that the permanency of the Union is thereby better secured.

It is with reluctance that I have accepted the French mission; and I hope that my absence will be short, and that I will soon be able to return with my family in the bosom of my friends and

country. My private business, to which I had during the last fifteen years hardly attended, has suffered and will continue to suffer. Amongst other objects, I fear I may have lost the tract of 666⅔ acres on Cumberland River, having never taken any measures to remove the man who had taken possession. I do not know his name; and I will thank you to communicate it to Mr. Robert Alexander, President of the Bank of Kentucky, at Frankfort, together with any information you have respecting that man's claim and disposition and the quality and value of the land. I have given to Mr. Alexander a power of attorney for my Kentucky lands, and told him that you would give him that information.

Mrs. Gallatin sends you her compliments. I never received your letter respecting a glass-house and the procuring of glass-blowers. I would attend to it if I knew what capital you and your friends can employ in the establishment. On that point success depends. There must be no embarrassment, or business would be ruinous. I commenced mine with about ten thousand dollars, and made no profit during the first years, nor until the capital amounted to near twenty thousand. That now employed in our glass-works, including outstanding debts, exceeds forty thousand, and gives us an annual profit of about eight thousand, of which only one-seventh part belongs to me. I must observe that there is an inconvenience in your situation. You are *below* the greater part of the fast-improving country north of the Ohio, in which the great consumption of glass takes place. The works situated high up the Ohio, at Pittsburg and above, have in that respect a great advantage. At New Orleans market you must meet the competition of the cheap German glass.

I have lost three old friends,—Mr. Savary, Thos. Clare, and Mr. Smilie. You have heard that Dr. Jones, of Virginia, Richard Brent, and Stanford, of North Carolina, are also dead.

With sincere, &c.

CRAWFORD TO GALLATIN.

WASHINGTON, 10th May, 1816.

MY DEAR SIR,—I have the honor to enclose a letter of introduction to the Duchess of Plaisance, and another to her father.

It will afford me great pleasure to furnish you with the little information which it will be in my power to give you during your residence in Paris. I will thank you to send me a file of one of the minor papers, which I suppose you will take, and which will not be transmitted to the Department of State.

Knowing as I did that you considered the Presidential contest to lie between Mr. Monroe and Mr. Tompkins, and that you preferred the latter to the former, I never suspected that you had any agency in obtruding my name in the discussions of that question. I did suspect that you had something to do with the New York Patriot. The course which that paper took was the one which I expected you would pursue.

Upon this subject I think I have serious cause of complaint against my particular friends. They would not consent, when the declarations of Dr. Bibb were insufficient, that I should put an end to the contest by declaring that I would not serve if elected. Their plan I understood to be to attend the caucus and vote for Mr. Monroe and state the facts in the Intelligencer, which would, as they believed, place me on higher ground than could be occupied in any other way, as I did not wish to be elected. This plan was eventually abandoned, without any explanation ever having been given. Bibb, Tait, Macon, and Hall all absented themselves, with several others, and of course deprived themselves of the right to make the proposed statement. The charge of intrigue and double-dealing I was fully aware would be made by Mr. Monroe's friends, if not by himself. I have not heard that any insinuations of this kind have been made by any member of Congress, but I think it more than probable that it will be. The Letters to the President in the Democratic Press have assailed him, and everybody who has been in his Cabinet, except Mr. Monroe and Mr. Dallas.

You have come off better than the President. Indeed, I am not certain that he intended to abuse you at all, as he professes great respect for Mr. Madison, especially in his latter numbers. In the first the charges of folly and cowardice are roundly made. He asserts that the imbecility of the persons selected for the Cabinet, or dread of their political power, has been the sole rule of selection; that he was influenced in his choice by the same principle that the ignorant savages worship the devil. There is some reason to believe that Glurdy, of Baltimore, is the author. The letters are remarkable only for the grossest ignorance of the subject on which they treat, and asperity of abuse. As he proceeded, his asperity diminished. His principal ground of abuse against me is my supposed tyrannical conduct in removing Mr. Warden from the consulship, and the gross ignorance which he asserts I displayed in Paris, to the shame and mortification of my countrymen in that city. The general assertions are made in the first letter, and the specifications are exhibited in the last, in which D. B. Warden makes a first-rate figure. In his facts he is most unfortunate. Not a single one has even the semblance of truth in its favor.

Mr. Dallas and family have left this place, to which he does not think of returning as Secretary of the Treasury. A few days before his departure he expressed a wish that I might succeed him in that office. I informed him that the President had urged me to take it, and that I had declined the offer. I stated it as my opinion that it would be expedient to let it remain vacant until Mr. Madison's successor should come into office, who would by that means be less shackled in forming his Cabinet. He said, in tendering the office to me, he supposed that subject had been fully considered, and that Mr. Monroe had been consulted. His manner of expression was calculated to convey rather indistinctly the idea that he knew this to be the fact. I told him that no intimation of that kind had fallen from the President when he had urged me to accept it, and that the fact, if true, would not have had any influence upon my decision.

I presume the office will remain vacant until the 4th of March next. It is said that Mr. Crowninshield will retire with

the President. Should this be the case, Mr. Monroe will have an entire new Cabinet to form. I have some doubts whether, under the particular circumstances in which I have been placed, it will not be my duty to remain some time a member of his Cabinet, if he should wish it, and at least to give him an opportunity of manifesting his displeasure, if I have incurred it. In deciding upon this question, I shall not take the advice of my friends, as the chances are two to one that their advice will be wrong. The most of Mr. Monroe's friends expect that he will offer me the Department of State. From Mr. Dallas's expressions, it would seem that he wishes me to take the Treasury.

Present my respects to Mrs. Gallatin and family, and accept my best wishes for favorable gales to waft you across the Atlantic, and for the continuation of your and their health and happiness.

GALLATIN TO MONROE.

NEW YORK, 15th May, 1816.

SIR,—I perceive that in the printed correspondence of the American ministers at Ghent my name is omitted in the despatch of 12th August, 1814, to the Secretary of State. This omission compels me to say that this despatch, of which the original draft is now before me, was not only signed but almost entirely prepared by myself at the request of my colleagues. It is indeed a simple statement of facts which any person might have written. After it had been transcribed and signed by all of us, it was agreed to make a slight alteration by omitting the first intended concluding paragraph. This rendered it necessary for Mr. Hughes to transcribe a second time the last sheet, which contained our signatures. And I understand that he neglected to send this new copy to me for my signature, and transmitted it in that shape to the Department of State. Although I presume that the duplicate and triplicate signed by me have been duly received, I have thought it proper to remove by this communication any erroneous impression which might have been made by this accidental circumstance.

JEFFERSON TO GALLATIN.

MONTICELLO, May 18, 1816.

DEAR SIR,—I have just received a request from M. de la Fayette to send him two copies of the Review of Montesquieu, published in Philadelphia about four or five years ago, and have written to Dufief to forward them under cover to you, wherever you may be, which he will know better than I can. I pray you to be the bearer of them, with the letter for him now enclosed; and if you have never read the work, that you will amuse yourself with it on the passage. Although in some points it will not obtain our concurrence either in principle or practice, yet, on the whole, you have never seen so profound and so correct an exposition of the true principles of government. A work of equal distinction on the science of political economy is now in the press at Washington, profound, solid, and brief.

You are so much more in the way of receiving information of what is passing in the world, that it would be idle in me to offer you any. One fact, perhaps, can be better judged of in the country than in the cities,—a belief expressed by every one I see (for I go little out, and meddle less with their opinions),—that at the next election of Representatives to Congress there will be the most signal display which has ever been seen of the exercise by the people of the control they have retained over the proceedings of their delegates. At least, if those of the other States are cast in the same mould of their fellow-citizens in this. And what is very remarkable is, that this spontaneous and universal concurrence of sentiment has been produced without scarcely a word having been said on the subject in the public papers of this State. I consider this last circumstance as presenting an element of character in our people which must constitute the basis of every estimate of the solidity and duration of our government. Sincere prayers for your safe and pleasant passage, and a happy return in the fulness of time when your own wishes and the public good shall require.

P.S.—I trouble you also with a letter for Mr. Warden.

GALLATIN TO MADISON.

NEW YORK, 2d June, 1816.

DEAR SIR,—I duly received your letter, and will of course see La Fayette and procure the busts. The Peacock will, it is said, be ready on Wednesday, and we expect to sail on that day. I do not contemplate a long residence in France, and hope that I may soon be permitted to return to America, which I leave with a heavy heart. In the expectation of having again the pleasure in a short time of seeing you, and with every wish for your health and happiness, I remain, with gratitude and respect, dear sir, your affectionate and obedient servant.

GALLATIN TO MADISON.

NEW YORK, June 4, 1816.

DEAR SIR,— * * * * * * * *

A late circumstance induces me to mention another subject. Dnring the twelve years I was in the Treasury I procured places only for two friends. One is an obscure clerk in one of the offices of the Treasury. The other, whose name is John Badollet, is the register of the land office at Vincennes. He is perfectly competent, of most strict integrity, and supports a large family with the moderate emoluments of his office. Permit me to request, as my absence deprives him of his friend, that if the attempt should be made, he may not be removed without sufficient cause and inquiry. This, I know, is the same thing as to request that he should not be removed at all.

Captain Rodgers informed me yesterday that he would not be ready to sail before Friday, and requested that the day of departure should be fixed for Sunday; to which I assented. As the wind is east, there is as yet no detention.

Respectfully and truly yours.

GALLATIN TO MADISON.

NEW YORK, 7th June, 1816.

DEAR SIR,—I have this moment received yours of 3d instant, an answer to which has been anticipated by my two last letters.

I am urging the captain of the Peacock, and still hope that he will be ready to sail the day after to-morrow. I almost envy you the happy time which you will spend this summer in Orange, and which will not, I hope, be disturbed by any untoward change in our affairs. I think that upon the whole we have nothing to apprehend at this time from any foreign quarter. You already know how thoroughly impressed I am with the necessity of restoring specie payments. This subject will not disturb you in the country; but the present state of the currency is the only evil of any magnitude entailed by the war, and which it seems incumbent on us (pardon the expression) to cure radically. Public credit, private convenience, the sanctity of contracts, the moral character of the country, appear all to be involved in that question, and I feel the most perfect conviction that nothing but the will of government is wanted to reinstate us in that respect. The choice of the Secretary of the Treasury is, under those circumstances, important, and I am sorry that Mr. Crawford, as I am informed, has declined the appointment. I wish it may fall on Mr. Lowndes or on Mr. Calhoun. Our Maryland and Pennsylvania politicians, without excepting some of the most virtuous, and whom I count amongst my best friends, are paper-tainted. The disease extends, though more particularly to this State.

I beg you to forgive this digression on a subject which I had no intention to touch when I began this letter.

Mrs. Gallatin begs to be affectionately remembered to Mrs. Madison. I send my best compliments to my friend Todd, and I beg you to accept the assurance of my respectful attachment and best wishes.

Your obedient servant.

END OF VOLUME I.